

TOWN OF KITTERY, MAINE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

March 23, 2015

Kittery Town Council
Requested by Chairperson Jeffrey Thomson
Special Meeting Agenda
6:00 p.m.

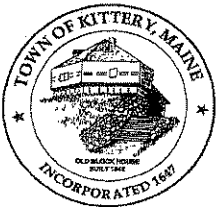
Council Chambers

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. EXECUTIVE SESSION

(030215-1) The Kittery Town Council moves to go into executive session in accordance with 1 M.R.S. §405 (6) (D), to discuss labor contract negotiations.

6. ADJOURNMENT

Posted: March 19, 2015



TOWN OF KITTERY

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Telephone: (207) 475-1329 Fax: (207) 439-6806

WORKSHOP 6:15 P.M.

The Town Council will meet with the Town Manager to review and discuss the proposed CIP Bond.

March 23, 2015

Council Chambers

Kittery Town Council
Regular Meeting
7:00 p.m.

1. Call to Order
 2. Introductory
 3. Pledge of Allegiance
 4. Roll Call
 5. Agenda Amendment and Adoption
 6. Town Manager's Report
 7. Acceptance of Previous Minutes –3/9/15 Special and 3/9/15 Regular
 8. Interviews for the Board of Appeals and Planning Board
 9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
 - a. (030215-1) The Kittery Town Council moves to abate the following taxes for Robert and Natalie Harris:

49-8	\$668.16
60-12C	\$ 59.36
66-2D	\$ 10.65
60-3A	\$147.64
66-2C	\$ 39.58
60-12B	\$ 3.05
- and issue supplemental tax bills to Central Maine Power for the following parcels:
- | | |
|----------|----------|
| 49-8-1 | \$668.16 |
| 60-12C-1 | \$ 59.35 |
| 66-2D-1 | \$ 10.66 |
| 60-3A-1 | \$147.63 |
| 66-2C-1 | \$ 39.57 |
| 60-12D | \$ 19.79 |

b. (030215-2) The Kittery Town Council moves to receive a presentation from Forrest Bell of FB Environmental Associates on the "2014 Water Quality Report: Spruce Creek Watershed" for the Town-funded projects completed in 2014 and the proposed projects for 2015 as part of the 319 Phase IV grant (\$59,050) awarded this past fall.

c. (030215-3) The Kittery Town Council moves to receive a report from a representative from the Portsmouth Naval Ship Yard to discuss transportation demand management and listen to Council's concern pertaining to shipyard traffic and circulation.

d. (030215-4) The Kittery Town Council moves to receive and discuss a report and recommendation from the Appointment Committee regarding the Appointments to Boards and Committees.

10. PUBLIC HEARINGS

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition

b. (030215-5) The Kittery Town Council moves to authorize an alternative procurement method to contract the services of FB Environmental Associates for the proposed Water Quality Project as part of Phase IV of the Spruce Creek Watershed 319 grant for \$19,977.

c. (030215-6) The Kittery Town Council moves to approve a renewal application for Jkrestaurants LLC, 5 Melanies Court, Kittery, Maine for a Malt, Spirituous and Vinous Liquor License for Rudders Public House, 70 Wallingford Square, Kittery.

d. (030215-7) The Kittery Town Council moves to authorize a request from the Kittery Point Fire Association to hang a banner across Rogers Road in front of the Kittery Community Center, as well as, post signs at the Traffic Circle, the end of Haley Road on Route 1 and the corner of Bridge Street and Route 1 Bypass, to advertise their Ham & Bean Suppers, from April 18-26 and October 10-18, 2015.

e. (030215-8) The Kittery Town Council moves to authorize a request from the Kittery Fire Station Association to hang a banner across Rogers Road in front of the Kittery Community Center and on York Hospital's outside wall on the corner of Walker Street and Route 1 to advertise their annual 5K Road Race and Walk, as well as, post signs in various locations throughout the community to advertise their Pancake Breakfast.

f. (030215-9) The Kittery Town Council moves to approve and sign a Construction Overlimit Permit Agreement with the Maine Department of Transportation. Permitting the contractor for project No. NHP-2028(600) on Route 236 to use loads and equipment on municipal ways in excess of the limits as specified in 29-A M.R.S., on municipal ways as described in the "Construction Area."

g. (030215-10) The Kittery Town Council moves to approve the disbursement warrants.

h. (030215-11) The Kittery Town Council moves to schedule a public hearing to authorize bonds for Capital Improvement Projects not to exceed \$3,079,832.00.

i. (030215-12) The Kittery Town Council moves to schedule a public hearing on an amendment to Section 2.14 and 6.06 of the Kittery Town Charter.

j. (030215-13) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Port Authority to interview Ernie D'Angelo for his appointment to that board until 8/31/18 to fill the unexpired term of Dan Arbo.

k. (030215-14) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Port Authority to interview Mark Drummond for his appointment to that board until 8/31/16 to fill the unexpired term of Thomas Smith.

14. COUNCILOR ISSUES OR COMMENT

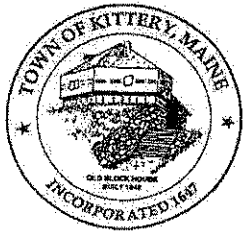
15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: March 19, 2015



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

ncolbertpuff@kitteryme.org

Nancy Colbert Puff

Town Manager

Town Manager's Report to the Town Council

March 23, 2015

1. **Athletic Fields Master Plan** – The next meeting scheduled is April 8th, at 6:30 pm, at the Star Theater.
2. **Public Works Snow Removal Costs** – As I announced via email, the President has approved the Governor's request to declare the snow storm of January 26-28 a major disaster, eligible for FEMA assistance. We are working to assemble the Town's total costs associated with the storm for reimbursement. At this time, we expect in excess of \$30,000 may be eligible.
3. **Rice Public Library (RPL)** – I have solicited the interest and gained commitments from 4 people to serve on a small committee to begin a consensus-building effort around a "new" Rice Public Library, in whatever form/location that makes sense for Kittery. In addition to myself, I have asked RPL Executive Director Lee Perkins, Steve Workman from the KCC Board, Tom Emerson, local architect, and Kristina DeMarco, resident and library patron to serve. I intentionally kept this committee small to begin, with the intention of reaching out to the Council, and many others, as we define a way to move forward.

I met with the RPL Board of Directors on 3/17 to discuss this idea, and await their official response.

4. **Planning and Code Office Hours** – Now that Planning and Code Enforcement Office is back to normal staffing, the department will reopen to the public on Tuesdays. To better serve our customers, the department will be developing specific staffing schedules for drop in consultations in addition to offering scheduled appointments. As it is developed, this information will be published on the department's web site.
5. **Urban Compact/Route One Bypass** – We have had two meetings with our State delegation concerning MDOT's intention to classify additional areas in Kittery, including the bypass, as part of the urban compact. Town Planner Chris DiMatteo developed a series of maps illustrating how these areas do not meet the definition of "compact," even though MDOT's believes they may. We are looking forward to a working meeting with DOT in the very near future to resolve this matter.
6. **John Paul Jones Park Transfer** - LD 780 "Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey the Parcel of Land in Kittery Known as John Paul Jones Memorial Park to the Town of Kittery" has been scheduled for Monday, Mar 30 2015 1:00PM, Cross Building, Room 214. If any members of the Council are interested in testifying, please let me know. Our delegation will be speaking on behalf of Kittery in support of this effort.

As always, if you have any questions or concerns prior to Monday's evening's meeting, please do not hesitate to contact me. Thank you.

Respectfully Submitted,

Nancy Colbert Puff

UNAPPROVED MINUTES

March 9, 2015

Kittery Town Council
Special Meeting
Requested by Jeffrey Thomson, Chair

Council Chambers

1. CALL TO ORDER: Chairperson Thomson called the meeting to order at 6:00 p.m.
2. INTRODUCTORY: Chairperson Thomson read the introductory.
3. PLEDGE OF ALLEGIANCE: Chairperson Thomson led those present in the Pledge of Allegiance.
4. ROLL CALL: Answering the roll were Councilors Frank Dennett, Charles Denault, Jeffrey Pelletier, Councilor Spiller, Councilor Kenneth Lemont, Vice Chairperson Russell White and Chairperson Jeffrey Thomson.
5. EXECUTIVE SESSION:

(030115-1) The Kittery Town Council moves to go into executive session in accordance with M.R.S. 36 §841 (2) (E) to consider an application for a hardship abatement due to poverty or infirmity.

IT WAS MOVED BY CHAIRPERSON THOMSON AND SECONDED BY COUNCILOR SPILLER TO GO INTO EXECUTIVE SESSION AT 6:31 P.M. ROLL CALL VOTE WAS TAKEN AND MOTION PASSED, 7-0.

IT WAS MOVED BY CHAIRPERSON THOMSON AND SECONDED BY COUNCILOR PELLETIER TO COME OUT OF EXECUTIVE SESSION AT 6:58 P.M. ROLL CALL VOTE WAS TAKEN AND MOTION PASSED, 7-0.

IT WAS MOVED BY COUNCILOR PELLETIER AND SECONDED BY VICE CHAIR WHITE TO GRANT THE ABATEMENT APPLICATION FOR THE 2013 TAXES AND INTEREST. ROLL CALL VOTE WAS TAKEN AND THE MOTION PASSED, 7-0.

6. ADJOURNMENT:

IT WAS MOVED BY COUNCILOR PELLETIER AND SECONDED BY CHAIRPERSON THOMSON TO ADJOURN THE MEETING AT 6:59 P.M. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7-0.

UNAPPROVED MINUTES

KITTERY TOWN COUNCIL

March 9, 2015

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Jeffrey Pelletier, Judy Spiller and Ken Lemont.

5. Agenda Amendment and Adoption –

The agenda was accepted as presented.

6. Town Manager's Report –

Town Manager Puff stated the insurance claims to date for the flooding at the KCC were \$65,000.00. She continued they were still looking at the best long-term fix for the system.

Town Manager Puff indicated a representative from the Shipyard would be at the next Council meeting to discuss traffic issues.

Town Manager Puff noted they had held the second meeting on the Athletic Fields master plan the previous week and that meeting would be rebroadcasted several times on Channel 22.

Town Manager Puff indicated relative to the Foreside Forum Report, that they were working to develop an RFP for consulting services in developing the final report. She continued she thought this would go into the next fiscal year.

Town Manager Puff stated the Public Works snow removal costs were over by \$76,000. She continued she would have a recommendation in the near future as to how they would cover that expense.

Town Manager Puff noted relative to the proposed school budget, that it was at a 3.82% increase for expenses and a 2.26% increase in tax appropriation.

UNAPPROVED MINUTES

29 Town Manager Puff stated she was looking at putting together a small committee to look
30 at the future of the Rice Library.

31 Town Manager Puff indicated that sensitivity training was scheduled for March 19th at 6
32 pm and that she had sent out a notice to all of the Chairs.

33 Town Manager Puff noted they had asked ME DOT to look discontinuing the light at the
34 beginning of the Sarah Long Bridge as the two lights so close together were causing confusion.

35 Town Manager Puff stated she had spoken with the Kittery Land Trust who indicated
36 they were thinking they would not be making a bond request until fall.

37 Town Manager Puff indicated they had made good progress with ME DOT wanting to
38 give back maintenance on the bypass and other areas in the urban compact area. She continued
39 that those areas did not appear to meet the conditions of the urban compact area.

40 Town Manager Puff stated that she would be bringing forward a Charter amendment on
41 how public hearings needed to be advertised.

42 Councilor Lemont conveyed questions for the Town Manager to ask the School Board
43 relative to the budget. Town Manager Puff noted that the School Board would be presenting their
44 budget on April 6th. Councilor Pelletier stated he thought it might be more beneficial to discuss
45 Council's issues with the budget before that presentation. Chairperson Thomson noted that
46 Council had requested that they come back with an increase of 1.7%. Councilor Lemont
47 indicated that he would like to get a clearer picture of the overall budget. Councilor Spiller
48 agreed that some discussion needed to be had before April 6th. Chairperson Thomson stated he
49 would work with the Manager to set up a time to meet before April 6th.

50 7. Acceptance of Previous Minutes –1/28/15, 2/23/15 Special Meeting and 2/23/15 Regular
51 Meeting.

52 The minutes of 1/28/15, 2/23/15 Special Meeting and 2/23/15 Regular Meeting were
53 accepted as amended.

54 8. Interviews for the Board of Appeals and Planning Board – None

55 9. All items involving the town attorney, town engineers, town employees or other town
56 consultants or requested officials –

57 (030115-1) The Kittery Town Council moves to hold a hearing in accordance with 17
58 MRS Sec. 2851, to determine if the structure commonly referred to as the former Mary's Store,
59 located on the lot or parcel of land at or about 40 Old Post Road in Kittery, Map 8, Lot 25, is a
60 dangerous building and if so, what action, if any, the Town Council orders to be taken to address
61 such dangerous conditions of said structure.

UNAPPROVED MINUTES

62 Chairperson Thomson noted that this hearing was advertised in the Portsmouth Herald on
63 February 4th, February 11th and February 18th.

64 Attorney McEachern stated that he would be able to advise the Council with any
65 questions that they might have and that he was prepared to draft an Order after the hearing if they
66 so wished. Councilor Dennett indicated that he owned part of a business that does business with
67 the property owner in question. He continued he did not think it created a conflict of interest but
68 that he was recusing himself to avoid any problems. Attorney McEachern noted that Council
69 needed to determine if the building in question was unsuitable or improper for the use of which it
70 was put or if it constitutes a hazard to the health or safety because of inadequate maintenance or
71 abandonment or is otherwise dangerous.

72 Attorney Bill Dale came to the podium and stated he would be presenting the case for the
73 town. He asked the Fire Chief, the Police Chief and Code Enforcement Officer and anyone else
74 who wished to testify come forward and be sworn in. Mr. Dale asked Chief O'Brien to come
75 forward and testify and asked Chief O'Brien if he was familiar with the property. Chief O'Brien
76 stated that he did and that he had examined the building very carefully as there was a bus fire
77 behind the building the previous summer. Attorney Dale asked what he determined about the
78 building. Chief O'Brien responded that the building was in very poor shape and that some of the
79 floor had collapsed into the basement. He continued that he was concerned about the safety of
80 the property as it was next to Legion Pond which was used frequently by kids. Attorney Dale
81 asked what risk it would pose to the Department if some kids were to break into the building.
82 Chief O'Brien stated that it would cause quite a risk and would put firefighters in a hazardous
83 situation if they needed to rescue someone from that building. Attorney Dale asked if any he had
84 seen any indication that the building had been repaired since the fire over the summer. Chief
85 O'Brien stated that he had gone back out to the property on March 3rd and no repairs had been
86 made. Attorney Dale asked if it would be reasonably feasible to make the building structurally
87 sound given the condition it was in. Chief O'Brien responded that he did not think so. James
88 Dineen, owner of the property, asked Chief O'Brien if he had approached him since the time of
89 the fire to address his concerns. Chief O'Brien responded that he had not. Mr. Dineen asked if
90 there was any part of the exterior of the building that was falling apart. Chief O'Brien stated that
91 the front end of the building was beginning to collapse. Mr. Dineen asked if the town had hired
92 a structural engineer to get an opinion on the building. Chief O'Brien noted they had not. Mr.
93 Dineen asked if he had seen any openings which a trespasser could enter the building. Chief
94 O'Brien responded that he had not and that the building had been locked when he checked over
95 the summer. Councilor Denault asked if someone could break a window to gain access to the
96 building. Chief O'Brien stated that they could. Chairperson Thomson asked if there was another
97 fire on the property if the building would go up quickly due to the condition. Chief O'Brien
98 stated that it would. Mr. Dineen asked Chief O'Brien if he was aware of any occurrence where

UNAPPROVED MINUTES

99 someone had broken into the building. Chief O'Brien responded that he was not aware of any
100 occurrence.

101 Attorney Dale asked Police Chief Short to testify and asked if he thought the building
102 was unsafe. Chief Short stated that he had been having ongoing conversations with Chief
103 O'Brien and he agreed with his opinion that the building was unsafe. Attorney Dale asked if he
104 would feel comfortable sending his officers into the building. Chief Short responded that he
105 would not. Mr. Dineen asked Chief Short if anyone had been called to the building to remove
106 someone since he had started working for the town. Chief Short noted that he did not have any
107 personal knowledge of that.

108 Attorney Dale asked CEO Marchi to testify and asked if he thought the building
109 constituted a safety hazard. Mr. Marchi responded that he thought the building was structurally
110 unsafe. Mr. Dineen asked Mr. Marchi about his experience and schooling. Councilor Denault
111 asked Mr. Marchi if any current training that he was doing would help to make his decision as to
112 what he had testified to that evening. Mr. Marchi stated that it had and that his previous
113 experience would lead him to believe that there could be a sewer issue on the premises.
114 Councilor Pelletier asked if he was aware of any current sewer problems. Mr. Marchi stated he
115 was not aware of any current issues.

116 Attorney Dale asked Town Clerk Place to testify. Attorney Dale asked if she was
117 familiar with the process of advertising a hearing in the newspaper. Ms. Place responded that
118 she was and that she had submitted legal notices that were published on February 4th, February
119 11th and February 18th. Mr. Dineen asked Ms. Place if she had made any other attempts to
120 contact interested parties. Ms. Place responded that she had not.

121 Attorney Dale asked Mr. Dineen to testify and asked if he was the current owner of the
122 property and how he had acquired it. Mr. Dineen stated he was the owner and had acquired the
123 property by virtue of a deed. Attorney Dale asked if the deed had been recorded in the York
124 County Registry of Deeds. Mr. Dineen responded that it had not. Attorney Dale asked if he was
125 aware that the York County Sheriff had attempted to serve him with notice of this proceeding.
126 Mr. Dineen responded that he was not aware. Attorney Dale asked how he knew that he needed
127 to be there that evening. Mr. Dineen responded that he had seen it in the newspaper. Attorney
128 Dale asked if Mr. Dineen had received a handwritten piece of mail from his office with notice of
129 the hearing in the mail. Mr. Dineen responded that he had but that it was not an official
130 document because it was not signed. Councilor Denault asked if the building had power. Mr.
131 Dineen responded that it had not had power for about ten years. Councilor Denault asked if the
132 oil tank had been drained. Mr. Dineen stated that it had. Councilor Denault asked if he thought
133 the building was unsafe. Mr. Dineen responded that the interior was but that the building was
134 secured. Councilor Denault asked if someone could break into the building. Mr. Dineen stated
135 that they could but it had not happened since he had possession of the building in 1992.

UNAPPROVED MINUTES

Councilor Pelletier asked if the building was being used. Mr. Dineen responded that it was being used for storage and that he was the only person who currently had access to the building. He continued there were six bus tires being stored as well as some old office equipment. Councilor Pelletier asked Mr. Dineen why he was opposed to tearing down the building if he agreed that it was unsafe. Mr. Dineen responded he would be happy to have the building razed if the town wanted to pay for it. Councilor Thomson asked if he knew why the floor had collapsed. Mr. Dineen stated that he did not. Councilor White asked when the last maintenance was done on the building. Mr. Dineen responded that it had been a long time. Councilor White asked why the deed was never recorded. Mr. Dineen said it was for personal reasons. Attorney Gale asked Chief O'Brien what his professional opinion was relative to the fire hazard being posed from the storage of the tires in the building. Chief O'Brien responded that the tires would create intense heat and black smoke and increased the fire danger.

David Lincoln came to the podium and stated that he saw three problems with the building; that it created an attractive nuisance, created a potential environmental hazard and presented a negative impression of Kittery because it was unsafe and unsightly. He continued that he thought Council had an opportunity to set a precedent for derelict buildings in town.

Mr. Dineen called himself as a witness. He stated that his participation that evening should not be considered a waiver of notice requirements by statute and that he was never served. He continued that he did not think that the case had been made to determine the building as dangerous. Mr. Dineen stated the building is, and always has been, locked and that no one had made an attempt to break into the building in the 23 years that he had owned it. Councilor Pelletier asked if Mr. Dineen was unable or unwilling to have the building razed. Mr. Dineen responded that he was unwilling to pay for it.

Attorney Dale noted that he thought the town had made its case that the building was unsafe, hazardous, unstable, unsanitary and constituted a fire hazard and a hazard to public safety. He continued that the building needed to be razed and did not see why the taxpayers should have to pay for it. Attorney Dale stated that it should be taken down at Mr. Dineen's expense and that they could put a lien on the property to recoup the costs of taking the building down. Mr. Dineen stated that he could remove the tires from the building if it was such an issue. He continued that the building was secure at all times and asked Council to dismiss the matter.

Attorney McEachern noted that Council now needed to determine if the evidence they heard that evening would constitute that the building be deemed dangerous according to the statute.

CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL, AFTER DUE HEARING ON MARCH 9, 2015, HAS FOUND THAT THE PROPERTY LOCATED AT 40 OLD POST ROAD, MAP 8, LOT 25 HAS MET THE CONDITIONS

UNAPPROVED MINUTES

172 UNDER MAINE STATE STATUTE 2851 TO DETERMINE THE BUILDING AS
173 DANGEROUS, UNSANITARY, A FIRE HAZARD, UNSUITABLE FOR THE
174 OCCUPANCY AS WHICH IT IS PUT, A HAZARD TO HEALTH AND SAFETY AND
175 STRUCTURALLY UNSAFE, SECONDED BY COUNCILOR DENAULT.

176 A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES
177 6/0. (Councilor Dennett was recused)

178 COUNCILOR DENAULT MOVED TO PROCEED WITH AN ORDER TO BE
179 DRAFTED BY ATTORNEY MCEACHERN, SECONDED BY COUNCILOR
180 PELLETIER.

181 A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES
182 6/0. (Councilor Dennett was recused)

183 10. PUBLIC HEARINGS - None

184 11. Discussion

185 a. Discussion by members of the public –

186 Diane Sylvester came to the podium and stated that Mr. Dineen had been in business in
187 the town since 1973. She continued that people had done nothing but harass him and thought
188 that Council should be ashamed of themselves.

189 Chief O'Brien came to the podium and indicated that one of his firefighters, Dan Hale,
190 had been published in the Fire Engineering magazine. He continued the article was addressing
191 tunnel vision in stressful situations.

192 George Dow came to the podium and stated that he did not think it was fair for Council to
193 be criticizing the school budget before they had discussions on the matter. He continued he
194 thought it was irresponsible and unfair.

195 Holly Zerr came to the podium and thanked Council for taking action on the 40 Post
196 Road property.

197 12. UNFINISHED BUSINESS – None

198 13. NEW BUSINESS

199 a. Donations/gifts received for Council disposition - None

200 b. (030115-1) The Kittery Town Council moves to approve the disbursement warrants.

UNAPPROVED MINUTES

201 **CHAIRPERSON THOMSON MOVED TO APPROVE THE DISBURSEMENT**
202 **WARRANTS, SECONDED BY COUNCILOR PELLETIER, WITH ALL IN FAVOR.**
203 **MOTION PASSES 7/0.**

204 c. (030115-2) The Kittery Town Council moves to approve the five town-wide Sidewalk
205 Sales Events for 2015 as requested by the Kittery Outlet Association: May 22-25; July 2-5; July
206 30- August 2; September 4-7; and October 9-12.

207 **COUNCILOR SPILLER MOVED TO APPROVE THE FIVE TOWN-WIDE**
208 **SIDEWALK SALES EVENT FOR 2015 AS REQUESTED BY THE KITTERY OUTLET**
209 **ASSOCIATION: MAY 22-25; JULY 2-5; JULY 30 – AUGUST 2, SEPTEMBER 4-7; AND**
210 **OCTOBER 9-12, SECONDED BY COUNCILOR PELLETIER.**

211 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
212 **7/0.**

213 d. (030115-3) The Kittery Town Council moves to authorize the Tributary Brewing Co.,
214 LLC, 5 Winding Brooke Lane, South Berwick, ME for a one day extension for Tributary
215 Brewing Company, 10 Shapleigh Road, Site A, to hold a one day event on April 1, 2015 from
216 noon to 9:00 P.M. to serve beer under an enclosed tent in front of the establishment.

217 **COUNCILOR SPILLER MOVED TO AUTHORIZE THE TRIBUTARY**
218 **BREWING CO., LLC, 5 WINDING BROOKE LANE, SOUTH BERWICK, ME FOR A**
219 **ONE DAY EXTENSION FOR TRIBUTARY BREWING COMPANY, 10 SHAPLEIGH**
220 **ROAD, SITE A, TO HOLD A ONE DAY EVENT ON APRIL 1, 2015 FROM NOON TO**
221 **9:00 P.M. TO SERVE BEER UNDER AN ENCLOSED TENT IN FRONT OF THE**
222 **ESTABLISHMENT, SECONDED BY COUNCILOR PELLETIER.**

223 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
224 **7/0.**

225 e. (030115-4) The Kittery Town Council moves to approve a renewal application from
226 The Dance Hall, 7 Walker Street, Kittery for a Malt and Vinous Liquor License for The Dance
227 Hall, 7 Walker Street.

228 **COUNCILOR SPILLER MOVED TO APPROVE A RENEWAL APPLICATION**
229 **FROM THE DANCE HALL, 7 WALKER STREET, KITTERY FOR A MALT AND**
230 **VINOUS LIQUOR LICENSE FOR THE DANCE HALL, 7 WALKER STREET,**
231 **SECONDED BY COUNCILOR WHITE.**

232 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
233 **7/0.**

UNAPPROVED MINUTES

234 f. (030115-5) The Kittery Town Council moves to authorize the release of funds in the
235 amount of \$10,000 from unassigned surplus and to appropriate said funds to be paid out of
236 account #101740-68427 Expense Self-Insurance Claims to pay the deductible associated with the
237 water damage claim # 2 at the Kittery Community Center.

238 **COUNCILOR PELLETIER MOVED TO AUTHORIZE THE RELEASE OF**
239 **FUNDS IN THE AMOUNT OF \$10,000 FROM UNASSIGNED SURPLUS AND TO**
240 **APPROPRIATE SAID FUNDS TO BE PAID OUT OF ACCOUNT #101740-68427**
241 **EXPENSE SELF-INSURANCE CLAIMS TO PAY THE DEDUCTIBLE ASSOCIATED**
242 **WITH THE WATER DAMAGE CLAIM #2 AT THE KITTEY COMMUNITY**
243 **CENTER, SECONDED BY COUNCILOR WHITE.**

244 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
245 **7/0.**

246 14. COUNCILOR ISSUE OR COMMENT

247 Councilor Spiller noted she thought they were supposed to receive a report on
248 appointments that evening. She continued she thought they should put the appointments that had
249 been postponed back on the agenda and move ahead. Councilor White stated there had been a
250 few issues with the report and that it was not able to be submitted in time to make it into
251 Council's packet.

252 Councilor White asked if the DPW was still working on clearing the sidewalks and asked
253 how the snow removal estimates were done. Town Manager Puff responded that the sidewalks
254 were still being worked on and they used figures from previous years to come up with an
255 average.

256 Councilor Denault stated that he had received a lot of complaints about tractor trailers
257 going down Route 103 so that they could bypass the weigh station on Route 1.

258 Councilor Denault noted he was looking for the town's oldest resident to receive the
259 Boston Cane award. He continued he thought they might want to look into having a citizen of
260 the year award.

261 Councilor Denault indicated he had received complaints about the hours of the Town
262 Hall. He asked that this issue be put on an agenda so Council could explore their options.

263 Councilor Denault stated he had met with the Shipyard Commander and they were
264 looking for previous scouts to attend a Boy Scout meeting for an alumni night.

265 15. COMMITTEE AND OTHER REPORTS

266 a. Communications from the Chairperson

UNAPPROVED MINUTES

267 Chairperson Thomson thanked the Kittery Water District for their work on digging the
268 fire hydrants out during the winter.

269 Chairperson Thomson noted that would have a workshop with the CIP Committee at 6:15
270 P.M. on March 23rd.

271 b. Committee Reports – None

272 16. EXECUTIVE SESSION – None

273 17. ADJOURNMENT

274 **COUNCILOR WHITE MOVED TO ADJOURN, SECONDED BY COUNCILOR**
275 **DENAULT WITH ALL IN FAVOR. MEETING ADJOURNED AT 9:32 P.M.**

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**HARRIS PROPERTIES
ABATEMENT SUMMARY**

HARRIS, ROBERT & NATALIE				
2014				
	Owner	Original Assessment	Adjusted Assessment	Abatement
49-8	Harris, R	\$ 706.21	\$ 38.05	\$ 668.16
60-12C	Harris, R	\$ 62.40	\$ 3.04	\$ 59.36
66-2D	Harris, R	\$ 10.65	\$ -	\$ 10.65
60-3A	Harris, R	\$ 156.77	\$ 9.13	\$ 147.64
66-2C	Harris, R	\$ 42.62	\$ 3.04	\$ 39.58
60-12B	Harris, R	\$ 112.63	\$ 109.58	\$ 3.05
	TOTALS	\$ 1,091.28	\$ 162.84	\$ 928.44
CENTRAL MAINE POWER				
	Owner	Original Assessment	Adjusted Assessment	Supplemental Assessment
49-8-1	CMP	\$ 222.21	\$ 890.37	\$ 668.16
60-12C-1	CMP	\$ 19.79	\$ 79.14	\$ 59.35
66-2D-1	CMP	\$ 3.04	\$ 13.70	\$ 10.66
60-3A-1	CMP	\$ 50.23	\$ 197.86	\$ 147.63
66-2C-1	CMP	\$ 13.70	\$ 53.27	\$ 39.57
60-12D*	CMP	\$ -	\$ 19.79	\$ 19.79
	TOTALS	\$ 308.97	\$ 1,254.13	\$ 945.16
*	Parcel 60-12B was divided and sold to CMP (Parcel 60-12D). CMP was not assessed taxes in 2014.			



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-439-0333 Fax: 207-439-6118

REPORT TO TOWN COUNCIL

Meeting Date: March 23, 2015
From: Jessa Kellogg, Shoreland Resource Officer
Norm Albert, DPW Commissioner
Subject: 2014 Water Quality Report: Spruce Creek Watershed
2015 Water Quality Proposal and Alternative Procurement Request

EXECUTIVE SUMMARY

Forrest Bell, Principal of FB Environmental Associates (FBE), will present a short summary of the "2014 Water Quality Report: Spruce Creek Watershed" for the Town-funded projects completed in 2014 and will discuss the projects proposed for 2015 as part of the 319 Phase IV grant (\$59,050) awarded this past fall.

The Department of Public Works is requesting Town Council to authorize an alternative procurement method to contract the services of FBE to conduct the proposed 2015 water quality projects as part of the 319 Phase IV project.

BACKGROUND

FBE has been assisting the Town of Kittery for the past ten years to successfully address the current polluted runoff issues and improve the water quality and aquatic habitat in the Spruce Creek Watershed. FBE has managed the first three phases of the 319 grant-funded Spruce Creek Watershed Improvement Project (SCWIP) and was recently selected to manage Phase IV. The Town of Kittery has annually contracted FBE for additional water quality monitoring projects outside the scope of the SCWIP since 2006, including directly funding the original Watershed Based Management Plan that was developed in 2007. As part of the fourth phase of funding for this project, the Town has committed to funding \$20,000 for more water quality research which will be counted as match for the grant.

2014 PROJECT SUMMARY

In 2014 FBE continued with storm drain system bacteria tracking efforts. They identified inflow pipes and basins and conducted bracket sampling of catch basins upstream of the two hotspot outfalls. They utilized canine detection of the storm drain system on Manson Avenue to identify human-specific types of pollution along with water analyses for *E. coli* bacteria and conducted a smoke test of the storm and sewer systems in the neighborhood. Results of sampling showed bacteria counts exceeding State limits and the smoke test indicated possible cross-contamination of the sewer and storm drain lines. FBE also conducted two sonde studies at the middle and upper estuary. The middle estuary showed better and more stable water quality than the upper estuary, though this may be likely a result of dilution and mixing with marine waters as coastal beaches also show bacterial exceedances. Finally, canine detection services were used at Fort Foster which demonstrated that the source of bacterial contamination may have been remediated, but there were three locations on the beach and throughout the subwatershed that the canines alerted to the

presence of human-sourced bacteria. The 2014 Water Quality Report: Spruce Creek Watershed goes into greater detail for each of these tasks along with specific recommendations for next steps.

PROPOSED 2015 PROJECT SUMMARY

FBE has submitted a proposal to address the water quality concerns in Kittery and we recommend that Town Council authorize an alternative procurement method to contract the services of FBE for the following tasks:

1. Project Coordination
2. Conduct an analysis of all tributaries to Spruce Creek to include bacteria sampling and microbial source tracking on each tributary to identify the primary bacteria source.
3. Continue the analysis of the main channel of Spruce Creek that began in 2014 to include the deployment of sondes at two locations in the main channel of the creek to determine overall water quality and assess if water quality is significantly changing.
4. Prepare a draft and final report detailing all work completed

RATIONALE FOR THE PROPOSED SOLUTION (INCLUDING COSTS)

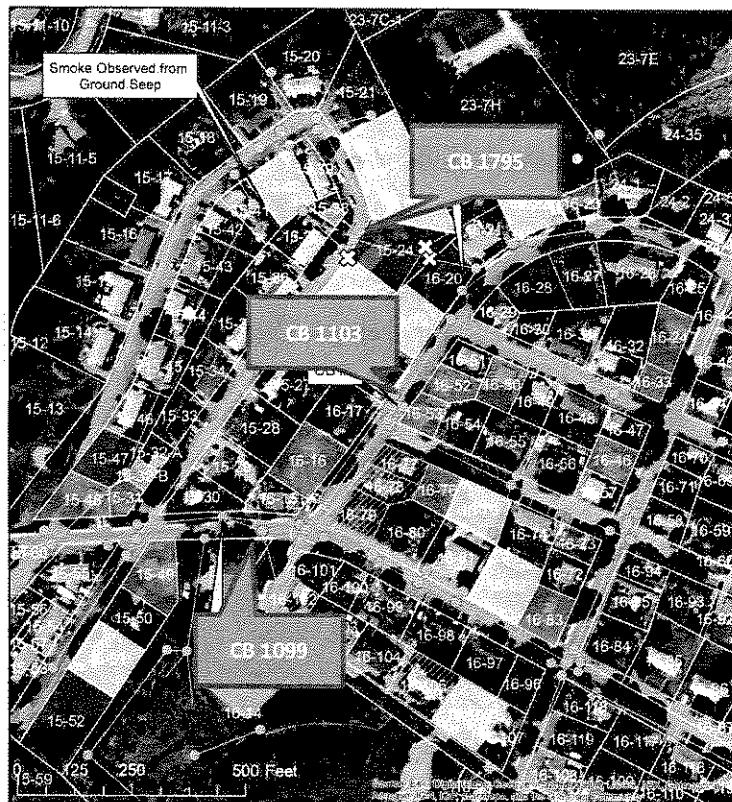
The Town of Kittery has a long history with FBE of successful water quality consulting services and has been selected as the consultant to manage the 319 Phase IV grant project. The proposed water quality project is part of Phase IV so it makes sense to use the same consultant, one with a proven record of high quality work.

The attached Tributary and Main Channel Water Quality Analysis proposal outlines the breakdown of the Total Project Cost of \$19,977 for the four proposed tasks. We recommend Town Council approve of an alternative procurement to contract for the services of FBE.

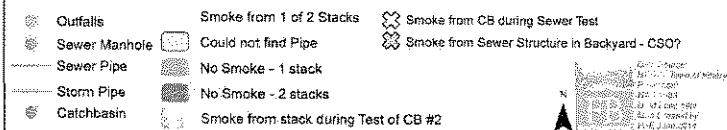
SUMMARY OF 2014 MANSON AVENUE STORM DRAIN SYSTEM BACTERIA SOURCE TRACKING

Based on the 2012 and 2013 sampling projects conducted by FBE, two outfalls (Manson out-L and Manson out-R) on Manson Avenue were identified as hotspots of bacterial contamination to Spruce Creek. The storm drain system flowing to these outfalls was found to have continuous flow throughout the system even in dry weather. This flow is likely from an illicit discharge to the storm drain system and needs to be identified and remediated. To address this concern, FBE completed the following tasks in 2014:

- Identified inflow pipes and basins and conducted bracket sampling of catch basins (1099, 1103, and 1795) upstream of the two hotspot outfalls (Manson out-L and Manson out-R).
- Utilized canine detection of the storm drain system on Manson Avenue to identify human-specific types of pollution along with water analyses for *E. coli* bacteria. This helped rule out wildlife or agriculture as possible sources of bacterial contamination.
- Conducted a smoke test of the storm and sewer systems in the neighborhood.



2014 Smoke Test - Manson Avenue - RESULTS



Results

- Both outfalls (Manson out-L and Manson out-R) exceeded the State limit of 236 col/100mL for single samples and were above the lab detection limit under dry weather conditions.
- Three catch basins (1099, 1103, and 1795) were identified upstream of the hotspot outfalls, and flow from many of their inflow pipes exceeded the State limit of 236 col/100mL for single samples and some were above the lab detection limit. Based on canine detection results, bacteria in these catch basins were found to be of human origin.
- Results of the smoke test conducted in August 2014 indicated possible cross-contamination of the sewer and storm drain lines at catch basin 1795.

Next Steps

- Continue to monitor bacteria in the storm drain system of Admiralty Village.
- Investigate the source of human bacteria in catch basin 1099, specifically from inlets 1099-A, -D, and -C.
- Conduct a camera investigation of the storm and sewer lines near catch basin 1795 to determine the source and ensure no cross-connections.

SUMMARY OF 2014 SPRUCE CREEK CHANNEL INVESTIGATION

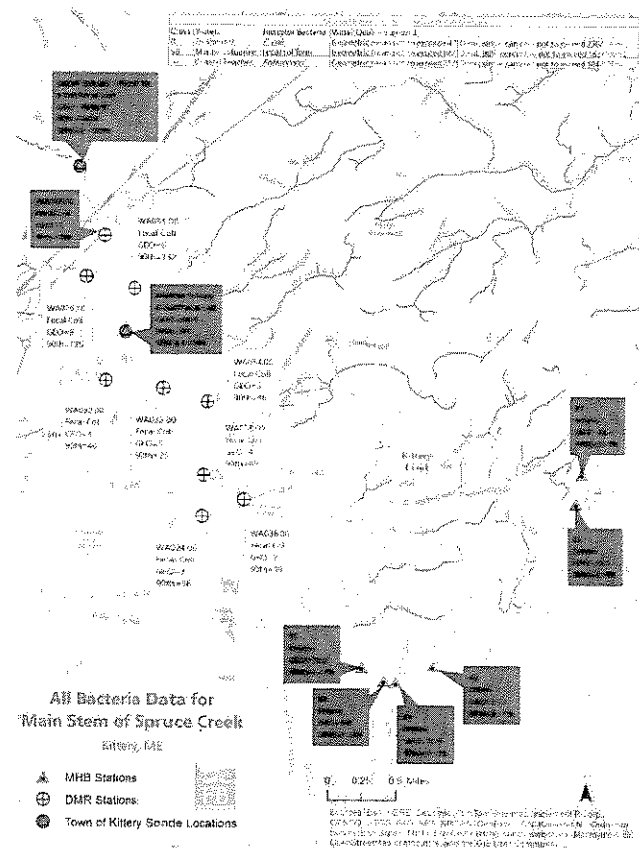
Given the water quality restoration efforts in the Spruce Creek watershed by the Town of Kittery, it was recommended that a more complete analysis of baseline water quality within the main channel of Spruce Creek be completed. In 2014, two data sondes were deployed in Spruce Creek at the middle and upper estuary stations for two deployments (in August and from mid-September to mid-October) and the locations were monitored for dissolved oxygen, temperature, relative water depth, pH, and specific conductivity. A total of five sets of grab samples were collected during these deployments and sent to Katahdin Analytical in Scarborough, ME for various analyses.

Results

- The **upper estuary** showed degraded water quality with elevated biological oxygen demand (3-5 mg/L), high *E. coli* (geomean of 1,848 col/100mL) and fecal coliform (geomean of 97 col/100mL) that exceeded the State standard, elevated nutrients (nitrogen and phosphorus forms) that corresponded with precipitation events (0.79 in) and exceeded the NH standard for TN (>0.45 mg/L), wide range in total organic carbon (2.9-9.2 mg C/L) and total suspended solids (9-29 mg/L), and large swings in daily dissolved oxygen that fell below the State standard of 85% saturation on all monitored days.
- The **middle estuary** showed better and more stable water quality with low biological oxygen demand (<2 mg/L), low fecal coliform (geomean of 6 col/100mL), low levels of inorganic nutrients (nitrogen and phosphorus forms) that typically fell below the laboratory's detection limit of 0.05 mg/L, stable total organic carbon (1.4-2.1 mg C/L), and less variable range in total suspended solids (6-17 mg/L).
 - However, the middle estuary did exceed the State standard for *E. coli* (geomean of 109 col/100mL) in 2014 and the NH standard for TN (>0.45 mg/L) on all occasions; and also experienced large swings in daily DO that fell below the State standard of 85% saturation on all except 9 monitored days.
- In an effort to highlight portions of the channel impacted by bacteria, all **historical bacteria results** for the main stem of Spruce Creek were compiled from the Town of Kittery, the Department of Marine Resources (DMR), and Maine Healthy Beaches (MHB). The majority of exceedances occurred in the upper to middle estuary of the main stem of Spruce Creek. Lower bacteria counts observed in the lower estuary are likely a result of dilution and mixing with marine waters. Coastal beaches also show multiple single sample exceedances.

Next Steps

- Continue sampling of the main stem of Spruce Creek at the upper and middle estuaries using continuous sonde and grab sampling techniques, and consider adding a third sonde at the lower estuary.
- Consider conducting a grab sampling effort of the seven major tributaries to Spruce Creek in conjunction with the sonde grab sampling to better understand and evaluate the fate and transport of bacteria sources to Spruce Creek and target priority tributaries.
- Consider conducting multiple (dry and wet weather) sampling upstream of the upper estuary to determine hotspots of bacterial contamination since bacteria counts were consistently high in 2014.



SUMMARY OF 2014 FORT FOSTER BEACH FOLLOW-UP INVESTIGATION

In 2012 and 2013, FB Environmental worked with Environmental Canine Services to identify sources of bacteria to Fort Foster Beach. Though some of these sources have been successfully remediated, other sources may still present and have been shown to contribute large amounts of bacteria to the beach. To address this concern, FBE conducted a watershed investigation to identify potential bacteria sources to the beach. This investigation included mapping, water quality sampling, and the use of canine detection to identify bacteria sources.

Results

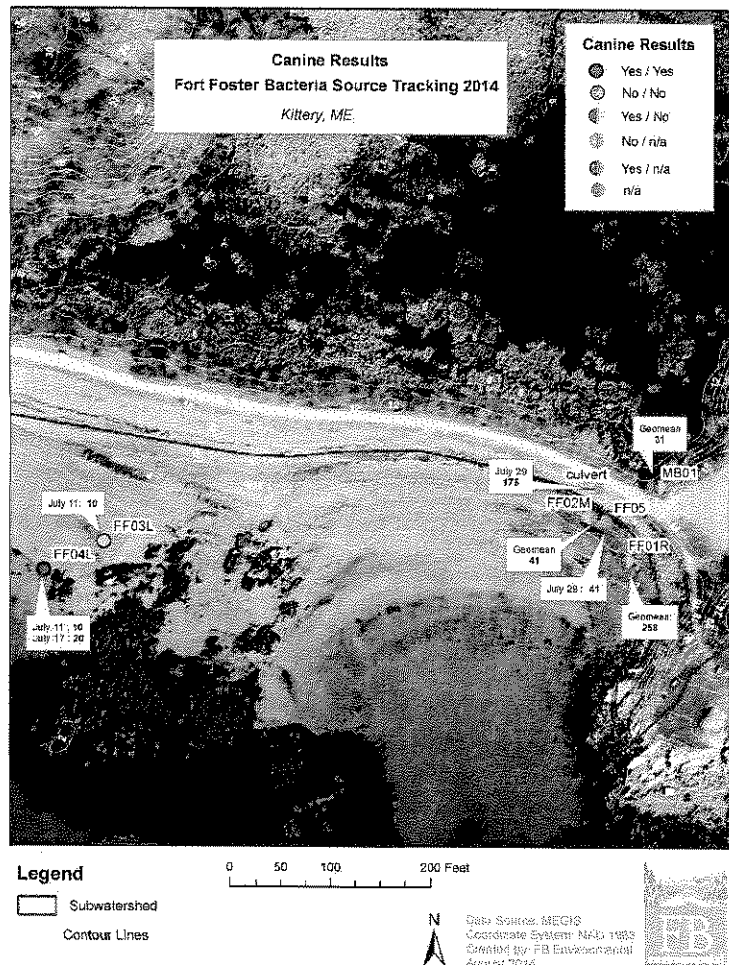
- Although bacteria was lower than previous years, some samples taken on the beach at Fort Foster exceeded the State water quality standard for *Enterococci* in dry weather (>104 colonies/100mL) and were concentrated at sites on the east side of the beach.
- The canines alerted to the presence of human-sourced bacteria at three locations on the beach and throughout the subwatershed.

Findings

- The majority of bacteria sources to Fort Foster Beach were found to be likely natural.
- There is no known infrastructure near the east side of the beach that is contributing to the elevated bacteria levels.
- There are very few possible sources of human-sourced bacteria within the Fort Foster beach subwatershed, all of which appear to be functioning correctly, well-maintained, and not posing a problem.

Next Steps

- Continue to monitor bacteria levels on the beach to ensure levels do not increase.
- Consider conducting microbial DNA analyses at FF01R and MB01 to ensure that non-human sources of bacteria dominate at these locations.
- Continue to pump/maintain septic tanks on the property regularly.
- Educate park visitors of proper pet waste disposal.



implementing Best Management Practices on public and private properties to reduce pollutant loading throughout New England, built fish ponds in the Peace Corps in Zambia, and worked with the Nature Conservancy on Catalina Island in the AmeriCorps. As a Project Manager/Water Quality Specialist at FBE, Emily conducts water quality monitoring for lakes, rivers, streams, and estuaries, analyzes water quality data, writes technical reports including statewide planning and regulatory documents, assists municipalities with the implementation and completion of their water quality grants, and leads multi-state watershed-based planning efforts.

Laura Diemer, FB Environmental, Project Scientist



Laura will be assisting with several tasks for this project. Laura rejoined FB Environmental in July 2014 after completing an M.S. in Soil and Water Resource Management from the University of New Hampshire (UNH). Her research at UNH focused on understanding biogeochemical cycling of carbon and nutrients in fire-impacted boreal stream in Central Siberia. She received a B.S. in Ecology and Environmental Science from the University of Maine in 2010 and gained valuable research and writing experience through employments at Wind Cave National Park for the Student Conservation Association, New England Organics, Wells National Estuarine Research Reserve, and the Nature Conservancy. Laura

has assisted with compiling data for writing several statewide TMDL reports, watershed-based management plans, water quality analysis reports, and quality assurance project plans.

PROJECT UNDERSTANDING AND SCOPE OF WORK

We believe that the following tasks are important to the successful continuation of a water quality assessment and bacteria source tracking study in the Spruce Creek watershed. We understand that we will be working collaboratively with the Town of Kittery and the Spruce Creek Association throughout this process. The tasks below outline our technical approach for completing the components of the project. We have budgeted \$19,977 for the Scope of Work to include the following tasks (see budget detail on page 8):

Scope of Work

TASK 1: Project Coordination

FB Environmental will provide project management activities as specified in this proposal. This will include tracking project tasks and ensuring completion of tasks within budget. As indicated above, Emily DiFranco will serve as project manager and primary point of contact for this project.

TASK 2: Conduct a Tributary Analysis

FB Environmental will conduct an analysis of all tributaries to Spruce Creek. This analysis will include bacteria sampling on four sampling dates (two under wet weather conditions and two under dry weather conditions), and microbial source tracking on each tributary to identify the primary bacteria source (human vs. animal). FBE will assimilate all existing and new tributary data to develop a set of action steps for each sub-watershed.

TASK 3: Conduct an Assessment of the Main Channel of Spruce Creek

FB Environmental will continue the analysis of the main channel of Spruce Creek that began in 2014. This analysis will include the deployment of two continuous data loggers at two locations in the main channel of the creek (upper and mid-estuary) to determine the overall water quality. Grab samples for bacteria and nutrients will also be collected at each location. All data will be combined with previous data to assess impairment status and determine if the water quality in the main channel of Spruce Creek is significantly changing.

TASK 4: Reporting

FB Environmental will prepare a draft and final report detailing all work completed throughout the project.

Project Schedule

The project schedule is presented in Table 2. The proposed project would run from July to December 2015.

- ✓ Task 1: Project coordination (*throughout project duration*)
- ✓ Task 2: Conduct a Tributary Analysis
- ✓ Task 3: Conduct an Assessment of the Main Channel of Spruce Creek
- ✓ Task 4: Prepare a draft and final report of all findings

Table 2. Proposed Project Schedule

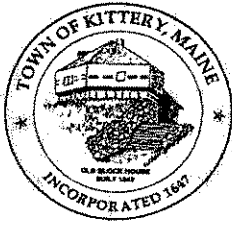
Task	July 2015	August 2015	September 2015	October 2015	November 2015	December 2015
Task 1: Project Coordination						
TASK 2: Tributary Analysis						
TASK 3: Main Channel Investigation						
TASK 4: Reporting						

Proposed Budget

As outlined in Table 3 below, the base project budget will not exceed \$19,977 for the Scope of Work outlined in this proposal. All project funds will count as match for the ME DEP watershed assistance grant recently received by the Town of Kittery.

Table 3. Proposed Project Budget

Task	Staff Hours/ Mileage	Hourly Rate	Cost
Tasks 1: Project Coordination			
Forrest Bell, Principal	2	108	\$216
Emily DiFranco, Project Manager	8	77	\$616
		Subtotal	\$832
Task 2: Conduct a Tributary Analysis			
Emily DiFranco, Project Manager	16	77	\$1,232
Laura Diemer, Project Scientist	36	65	\$2,340
FBE Field Scientist	30	58	\$1,740
Mileage	300 miles	0.56	\$168
Lab Fee - Bacteria Samples			\$900
Lab Fee - DNA Analysis			\$2,500
Equipment Rental			\$300
		Subtotal	\$9,180
Task 3: Conduct a Main Channel Analysis			
Emily DiFranco, Project Manager	23	77	\$1,771
Laura Diemer, Project Scientist	25	65	\$1,625
FBE Field Scientist	40	58	\$2,320
Mileage	300 miles	0.56	\$168
Lab Fee - Bacteria Samples			\$900
Equipment Rental			\$2,000
Supplies			\$175
		Subtotal	\$8,959
Task 4: Prepare Final Report			
Emily DiFranco, Project Manager	8	77	\$616
Laura Diemer, Project Scientist	6	65	\$390
		Subtotal	\$1,006
		Project Total	\$19,977



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

ncolbertpuff@kitteryme.org

Nancy Colbert Puff
Town Manager

INTEROFFICE MEMORANDUM

TO: TOWN COUNCIL
FROM: COMMITTEE ON APPOINTMENTS
SUBJECT: REPORT OF THE COMMITTEE ON APPOINTMENTS
DATE: MARCH 17, 2015
CC: MARYANN PLACE, GEORGE DOW, ANN GRINNELL

As requested by Council at its December 23, 2014 meeting, a Committee comprised of three Councilors (Denault, White, Lemont), Town Clerk Maryann Place, myself, and two current board/committee chairs (George Dow, Economic Development Committee and Ann Grinnell, Planning Board) met four times to consider changes to Section 4 of Town Code regarding appointments. Following is a summary of our recommendations, and attached are proposed changes to the Code:

1. Use of Criteria: We recommend using criteria when considering all appointments. We do not want service to one other "primary" board/committee to be part of the criteria which would give preference to those not serving, but do recommend limiting service to no more than 1 "primary" boards/committees, with the understanding that appointment to more than one presumes that service to the boards/committees does not constitute a conflict of interest (e.g. Board of Appeals (BOA) and Planning Board (PB), Conservation Commission and PB/BOA, etc.). We defined primary vs. secondary as follows:

Primary

Kittery Port Authority (KPA)
Planning Board
Board of Appeals
Parks Commission
Board of Assessment Review
Capital Improvement Program
Conservation Commission

Secondary

Shared Services
Shellfish Conservation
Wood Island Advisory
Mary Safford Wildes
Open Space Committee
Personnel Board
Comprehensive Plan
Economic Development
KCC Board of Directors
Educational Scholarship
Energy Advisory

2. Appointment Notification: We recommend the Council send a letter to all interviewed applicants thanking them for their interest, and notifying them of their appointment or rejection. Rejected applicants, upon notification to the Town Clerk, may choose to remain

on the list, but will be placed at the bottom. For Planning Board and Board of Appeals, rejected applicants will automatically remain on the list unless they notify the Town Clerk of their desire to be removed from it.

3. Term Limits: For the purposes of calculating term limits for Boards/Committees which have a “3 consecutive terms of 3 years,” we recommend the Council consider actual service of greater than 2.5 years be counted towards a full term. If an appointee serves longer than the term limit due to no qualified successor being appointed, the next appointment term will begin as of the date of appointment of the successor.
4. Term Expirations: We concur with the Town Clerk’s recommendation that seeks to “recalibrate” the end dates of all new appointments to December 31st. More work needs to be done on this as new appointments are made.
5. Conflict of Interest: We recommend all applicants be required to fill out a conflict of interest declaration that they have a) read Maine State Statute on conflict rules, and b) attest that they believe they can serve without conflict. We discussed, at length, whether employees can be considered for appointment, and recommend Council consider this possibility on a case by case basis, as to whether the individual can serve without conflict.
6. Removal Procedure: We recommend applying the removal procedure outlined in Title 16 for the PB, BOA, and KPA for all Council appointed officials to boards and committees.
7. Maintenance of the Lists: Applicant forms are recommended to be amended to indicate only one board/committee per form (thus removing the “ranking 1-3” of preference) to ease record keeping. We also asked the Town Clerk to consider sending a letter out every two years to have people on the lists indicate their continued interest in serving and to update their contact information.
8. Appointment Exceptions: We recommend eliminating positions for Council appointment that conflict with the Town Manager’s authority under our Charter. Maine Municipal Legal Services advised us of this conflict, and Town Counsel Duncan McEachern concurs with this recommendation.
9. New Chapter 4.11 – Kittery Port Authority: We recommend repeating information contained in Title 16 regarding KPA appointments here to consolidate appointment information in Title 4. The Planning Board may choose to remove this information from Title 16 at a later date, as a “housekeeping” amendment.
10. Relocation of Section 4.2 of the Town Code to Council Rules: We recommend these changes be incorporated, and that the Council then consider removing Section 4.2 from the Town Code and relocating it to a new section of the Council’s rules. During our discussion, it seemed there were numerous instances where flexibility for interpretation was desired, and Council could have the ability to act without going through an ordinance change process in instances that warranted immediate action. Prior to 2010, the “Selection Procedures for Council Appointments” were adopted each year by Council upon reorganization in November.

Maine Revised Statutes (as of February 18, 2015)

§2605. Conflicts of interest

Certain proceedings of municipalities, counties and quasi-municipal corporations and their officials are voidable and actionable according to the following provisions.

1. Voting. The vote of a body is voidable when any official in an official position votes on any question in which that official has a direct or an indirect pecuniary interest.

2. Contracts. A contract, other than a contract obtained through properly advertised bid procedures, made by a municipality, county or quasi-municipal corporation during the term of an official of a body of the municipality, county or quasi-municipal corporation involved in the negotiation or award of the contract who has a direct or an indirect pecuniary interest in it is voidable, except as provided in subsection 4.

3. Restrain proceedings. The Superior Court may restrain proceedings in violation of this section on the application of at least 10 residents of the municipality, county or area served by the quasi-municipal corporation.

4. Direct or indirect pecuniary interest. In the absence of actual fraud, an official of a body of the municipality, county government or a quasi-municipal corporation involved in a question or in the negotiation or award of a contract is deemed to have a direct or indirect pecuniary interest in a question or in a contract where the official is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates or with which the unit of municipal, county government or the quasi-municipal corporation contracts only where the official is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity. When an official is deemed to have a direct or indirect pecuniary interest, the vote on the question or the contract is not voidable and actionable if the official makes full disclosure of interest before any action is taken and if the official abstains from voting, from the negotiation or award of the contract and from otherwise attempting to influence a decision in which that official has an interest. The official's disclosure and a notice of abstention from taking part in a decision in which the official has an interest shall be recorded with the clerk or secretary of the municipal or county government or the quasi-municipal corporation.

A. This subsection does not prohibit a member of a city or town council or a member of a quasi-municipal corporation who is a teacher from making or renewing a teacher employment contract with the municipality or quasi-municipal corporation for which the member serves.

5. Former municipal and county officials. This subsection applies to former municipal and county officials.

A. No former municipal or county official may, for anyone other than the municipality or county, knowingly act as an agent or attorney, or participate in a proceeding before a municipal or county government body for one year after termination of the official's employment or term of office with that government body in connection with any proceeding:

(1) In which the specific issue was pending before the municipal or county official and was directly within the responsibilities of that official; and

(2) Which was completed at least one year before the termination of that official's employment or term of office.

B. No former municipal or county official may, for anyone other than the municipality or county, knowingly act as an agent or attorney, or participate in a proceeding before a municipal or county government body at any time after termination of the official's employment or term of office with that government body in connection with any proceeding:

(1) In which the specific issue was pending before the municipal or county official and was directly within the responsibilities of that official; and

(2) Which was pending within one year of the termination of the municipal or county official's employment or term of office.

C. This subsection may not be construed to prohibit former municipal or county officials from doing personal business with the municipality or county. This subsection does not limit the application of Title 17-A, chapter 25.

For the purpose of this subsection, a municipal or county government body includes an agency, board, commission, authority, committee, legislative body, department or other governmental entity of a municipality or county.

6. Avoidance of appearance of conflict of interest. Every municipal and county official shall attempt to avoid the appearance of a conflict of interest by disclosure or by abstention.

7. Municipal officers adopt ethics policy. In their discretion, the municipal officers may adopt an ethics policy governing the conduct of elected and appointed municipal officials.

Article XII. General Provisions

Sec. 12.01. Financial conflict of interest.

- (1) General standard. All town officials shall attempt to avoid an actual or perceived financial conflict of interest by abstention or disclosure. The Town of Kittery establishes these provisions in addition to those set forth in 30-A M.R.S.A. Sec. 2605. (Added by vote of the people 6-11-02)
- (2) Definitions. For the purposes of this Sec. 12-01 the following definitions apply:
Official means an elected or appointed member of a town hoard. Family member means an official's spouse, parent, child, sister, brother, stepparent, stepchild, stepsister, stepbrother, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and a person with whom any of the foregoing share a committed relationship. Financial interest means any direct or indirect interest involving at least 10% ownership in a public or private economic entity, or direct or indirect ownership or control of real property. (Added by vote of the people 6-11-02)
- (3) Disclosure. If an official or family member has a financial interest in an issue before the official's board, the official shall disclose that interest and:
 - (a)abstain from all board discussion debate, and voting on the issue until concluded, or
 - (b) request a determination be made on the question if the issue involves a financial conflict of interest sufficient to disqualify the member from participation.
 - (c)An official involved in the negotiation or award of a contract does not have a financial conflict of interest when the contract is the result of a publically advertised bid procedure. (Added by vote of the people 6-11-02)
- (4) Determination protocol. Upon disclosure and request for determination, the determination is made by the board members present, excluding the member in question, by majority vote, unless a greater number is required by rule, ordinance, or this charter. If the vote favors disqualification the member is excused from all board discussion, debate, and voting on the issue until concluded and is recorded as abstaining. (Added by vote of the people 6-11-02)
- (5) Record of conflict.
The board chairperson shall make a written summary of any abstention under this section and file the summary with the town clerk. The clerk must maintain this record for a period of 5 years. (Added by vote of the people 6-11-02)
- (6) Penalties.
An official who violates any of the provisions of section 12.01 shall forfeit office and shall be ineligible for a period of 5 years thereafter to hold any town office or position.
The procedures for determination of violation are governed by:
 - (a)Sec. 2.09 applies to town council members;
 - (b) Sec. 4.07 applies to school committee members;
 - (c)Sec. 2.07 applies to council appointees. (Added by vote of the people 6-11-02)
- (7) Rights retained.
An official who is excused from an issue due to the provisions of this section retains the right to such participation as is afforded members of the public. (Added by vote of the people 6-11-02)

Sec. 12.02. Code of ethics and prohibited conduct.

- (1) Equal opportunity. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any town position or appointive town administrative office

because of race, gender, age, nationality, handicap, sexual orientation, political or religious opinions or affiliations. (Amended by vote of the people 6-11-02)

- (2) Impartiality. No person shall wilfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations. (Amended by vote of the people 6-11-02)
- (3) Wrongful monetary consideration. No person who seeks appointment or promotion with respect to any town position or appointive town administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with any test, appointment, proposed appointment, promotion or proposed promotion. (Amended by vote of the people 6-11-02)
- (4) Political solicitation. No town official shall directly or indirectly, orally, by letter or otherwise solicit or assist in soliciting from any person in the employ of the town any assessment, subscription or contribution for any political party or political purpose whatever. (Amended by vote of the people 6-11-02)
- (5) Withholding information. With the exception of information which is confidential by statute, no town official shall withhold information of any nature relevant to a matter before any board. (Added by vote of the people 6-11-02)
- (6) Use of public resources. No town official shall use public resources that are not available to the general public for private or personal gain, e.g. town staff time, equipment, supplies or facilities. (Added by vote of the people 6-11-02)
- (7) Gifts and favors. No town official shall, by virtue of public office or position, take advantage of services or opportunities for personal gain that are not available to the public in general. Examples of services or opportunities for personal gain are gifts of any kind, favors, promises of future gifts or gain. (Added by vote of the people 6-11-02)
- (8) Penalties. Any person who violates any of the provisions of section 12.02 shall forfeit office or position and shall be ineligible for a period of 5 years thereafter to hold any town office or position.

The procedures for determination of violation are governed by:

Sec. 2.09 applies to town council members;

Sec. 4.07 applies to school committee members;

Sec 2.07 applies to council appointees;

Sec. 3.04 applies to appointees of the town manager.

(Amended by vote of the people 6-11-02)

Sec. 12.03. Summons before town council or school committee.

The clerks of the Supreme Judicial, Superior and District Courts may issue summonses for witnesses to attend and produce books, documents and papers at any meeting of the town council or school committee for the Town of Kittery at which a hearing is had in any matter regarding any alleged dereliction of duty by town officers, officials or employees. (Amended by vote of the people 6-11-02; amended by vote of the people 11-5-13)

Sec. 12.04. Oath of office.

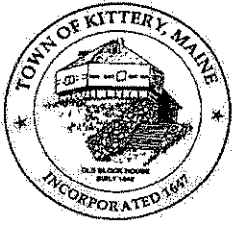
Every official of the town shall, before entering upon the duties of the office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Maine; that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Kittery, and will faithfully discharge the duties of the office of _____"

(Amended by vote of the people 10-4-94; amended by vote of the people 6-11-02)

Sec. 12.05. Time of meetings.

No town board, including but not limited to the town council, school committee, planning board and board of appeals, may conduct business after 10:00 PM. This deadline may be extended to not later than 11:00 PM by a majority vote of the members present unless a greater number is required by rule, ordinance or this charter. (Added by vote of the people 6-11-02; amended by vote of the people 11-3-09)



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

ncolbertpuff@kitteryme.org

Nancy Colbert Puff
Town Manager

CONFLICT OF INTEREST FORM

TO BE FILLED IN BY ALL THOSE SEEKING APPOINTMENT TO A
BOARD/COMMITTEE

I have been provided with copies of Maine Revised Statutes Title 30-A Section 2605 and of the Kittery Town Charter Chapter 12. I have read both and believe I can properly discharge my duties as an appointed official without limitation. Should a situation arise where a conflict or potential conflict is evident, I will take measures to properly disclose such and, if appropriate, abstain from official action.

Applicant's Signature

Date

Title 4 BOARDS, COMMISSIONS and COMMITTEES

Chapter 4.1 ESTABLISHMENT

Town governance requires attention to many demands pursuant to Federal law, Maine Revised Statutes, and the Town Charter. In order to provide for that range of requirements and make provision for citizen participation in community affairs the Boards, authority, commissions and committees addressed herein, are hereby established.

Chapter 4.2 SELECTION PROCEDURES FOR COUNCIL APPOINTMENTS

4.2.1. Purpose.

When subject to council appointment, members of Town Boards, which term includes authority, commission, committee (both standing and ad hoc), and trust are selected using the following procedures.

4.2.2 Objectives.

There are certain general objectives which are critical to the successful functioning of council-appointed Boards among these are:

- A. That Boards always have available to them candidates for membership who are qualified for the unique needs of that Board.
- B. That each Board maintain the independent posture needed to encourage the free and open dialogue crucial to its function; and
- C. That all volunteers are shown the appreciation of the community regardless of whether or not they are appointed to a particular Board.

4.2.3 Procedures.

To achieve these goals, the following procedures for the selection of Board members are adopted:

- A. A pool of applicants will be maintained by the Town Clerk.
- B. ~~Volunteers must complete an application indicating on which for each Boards they wish to serve, and in which order of preference. Applicants will be listed in order of precedence set by the date-time of receipt of the completed application by the Town Clerk. Applicants are eligible to serve only one primary board/committee at a time (unless acting as an official designee to another board). In addition, all applicants must complete a conflict of interest form as part of their application.~~
- C. A member whose term is expiring is given consideration for reappointment first, subject to term limitations for the position, if any. Alternates or associates on a Board will be given first consideration for appointment when an opening occurs, in order of length of service.
- D. ~~Pool Applicants will be polled for interest for an interview serving on a board, commission, or committee when an opening occurs in order of listing precedence. Those refusing declining~~

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may opt to remain on the list and will be placed back on the list as of the date of ~~refusal/declining.~~

E. Council may waive the interview requirement for reappointments; alternates applying for full membership; and full members applying for alternate status.

F. With the exception of the Planning Board and Board of Appeals, eligible applicants are interviewed for a specific Board appointment prior to consideration by the full Council.

1. The interview is conducted by the Chairperson (or designated permanent member) of the applicable Board and by one Council member designated by the Council. Councilor interviewing assignments are rotated so that no one Councilor would be involved in successive interviews for the same Board.
2. Interviews are considered private.
3. Only one interview is conducted with each applicant for each position.
4. Both interviewers must agree to the acceptability of the candidate in order for that candidate's name to be considered by the full Council.
5. Applicants not recommended to the Council may opt to remain on the list(s) if they so desire. They must notify the Town Clerk of their interest within one week of being notified of the non-appointment, and they will be placed at the bottom of the list.

G. The following criteria are used in evaluating candidates:

1. Education
2. Training and experience
3. Related experiences
4. Any potential for conflict of interest
- ~~5. Preference or priority will be given to applicants who are not currently serving on any other Board (i.e., if there is more than one applicant and applicants are equally qualified, preference will be given to the person not currently serving on another Board.)~~
5. For reappointments or changes from Alternate to Full Member, attendance (rated as 'Excellent', 'Good', or 'Poor' is to be provided by the Chairperson of the Board on the interview form.

H. Any appointed Board member may be dismissed for cause by the Town Council before the expiration of such member's term after notice and hearing.

4.2.4 Planning Board or Board of Appeals Interviews and Appointments.

A. Applicants will be interviewed for the Planning Board or Board of Appeals with at least a quorum present at a regular or special Council meeting. If there are multiple applicants for a Board, they will be interviewed by Council as a group including applicant(s) already interviewed.

B. Criteria listed in Section 4.2.3 G shall be used in considering candidates for Planning Board and the Board of Appeals.

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~~B-C~~ After the interviews are completed, Council, in open session, and by the following meeting, shall nominate, with a second, discussion and vote on the candidate(s) for the open vacancy.

~~C-D~~ A tie vote on an appointment shall be voted on by Council twice. Following the second tie vote the Council Chairperson shall determine the winner by lot by a coin toss.

~~E~~ Interviewed applicants not appointed may remain in the pool if they so desire. They must notify the Town Clerk of their interest.

4.2.5 Appointment Exceptions.

A. Building Committee – when Council-appointed membership is involved, appointment procedure is determined by the sitting Council.

B. Charter Commission – procedure is determined by the sitting Council.

C. Christmas Parade Committee – members recommended by sponsoring group.

D. Rice Public Library Board of Trustees – application and interview procedure applies, but appointment is made by Library Trustees.

E. Newly-formed Boards not existing as of November 1, 2000 – procedure is determined by the sitting Council.

4.2.6 Other Appointments.

~~A~~ Town Manager, including related positions held by Manager: Interview by Council as part of hiring procedure.

~~B~~

~~Assistant Code Enforcement Officer, Director of Civil Emergency Preparedness, Plumbing Inspector: Recommendation submitted by Town Manager.~~

~~Registrar of Voters: Recommendation submitted by Town Clerk.~~

~~C-A~~ Shellfish Warden: Application and interview procedure for Boards applies.

~~D-B~~ Individual positions not enumerated: Procedure determined by sitting Council.

Chapter 4.3 BOARD OF ASSESSMENT REVIEW

4.3.1 Created – Powers.

The Board of Assessment Review is created pursuant to Article VII of the Town Charter and exercises the powers conferred by that Article.

4.3.2 Membership.

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Qualifications of members, their appointment and terms, is governed by Article VII of the Town Charter. Members serve until their successors are appointed and qualified.

Chapter 4.4 CABLE TV RATE REGULATION BOARD

This article is administered by the Cable Television Rate Regulation Board which consists of five members and one alternate appointed by the town council from the qualified voters of the town. Members serve for terms of three years and until their successors are appointed and qualified. Members may be removed by the Town Council for cause after notice and hearing. For the initial terms only, one is appointed for three years, two for two years, and two for one year. The alternate member is appointed for a term of three years. Vacancies are filled by Town Council appointment for the unexpired term.

Chapter 4.5 REGISTRATION APPEALS BOARD

RESERVED

Chapter 4.6 BOARD OF TRUSTEES of TRUST FUNDS

4.6.1 Created-Duties.

A Board of Trustees of trust funds is created to have the care and management of the Mary Stafford Wildes Estate, or any other similar funds.

4.6.2 Membership.

The board consists of five members, the chairperson of the town council and the town clerk to be ex officio members and the clerk to be treasurer of said fund, and three additional members to be appointed by the moderator for one, two and three years respectively; and hereafter each year one member is to be appointed by the Town Council for a three-year term and thereafter for successive three-year terms. Appointed members serve until their successors are appointed and qualified. Appointed member vacancies are filled by town council appointment for the unexpired term.

Chapter 4.7 PERSONNEL BOARD

4.7.1 Established-Composition-Qualifications, Terms, Removal, Compensation of Members-Filling of Vacancies-Duties Generally.

A Personnel Board is established, consisting of five members appointed by the Town Council. A personnel board is established, consisting of five members appointed by the Town Council. No member of the Board may be employed by the town, nor hold or be a candidate for any elective office. Members of the Board serve terms of three years and until their successors are appointed and qualified provided, however, that of the members originally appointed, one shall serve for a term of one year, two for a term of two years, and two for a term of three years. All terms expire on the same date in their respective years. Members serve conditioned only upon good behavior and may be removed for cause after notice and hearing. However, no member of the Board may serve for more than two consecutive three-year terms. Vacancies occurring during a term are filled by the Town Council for the balance of the term. Members of the Board serve without compensation, but funds will be provided for reasonable and necessary expenses. The Board elects its own chairperson. In addition to the duties set forth elsewhere in this chapter, the Board is to:

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1. Advise the Town Manager on matters of personnel policy and problems of personnel administration, including the development of personnel rules, a job classification plan, and a uniform pay plan;
2. Represent the public interest in the improvement of personnel administration in the Town service;
3. Make any inquiry which it may consider desirable concerning personnel administration in the Town service, and make advisory recommendations to the Town Manager, with respect thereto.

4.7.2 Personnel Board Responsible for Hearing Grievances.

The Personnel Board is responsible for hearing grievances involving employees covered by this chapter in the manner and under the provisions specified by this chapter.

4.7.3 Opinions and Decisions of Personnel Board.

All opinions and decisions issued by the Personnel Board are advisory in nature and are issued to the Town Manager and to the employee(s) requesting the grievance hearing or separation/demotion hearing.

4.7.4 Function of Personnel Board Generally.

It is not the Personnel Board's function to exclusively represent the interests of the employee or the employer; it is the Board's function to fairly and impartially represent the interests of both parties and to clearly and continually work for the development of mutual respect, understanding, and cooperation between the parties.

Chapter 4.8 SHELLFISH CONSERVATION COMMITTEE

The shellfish conservation program for the town is administered by the shellfish conservation committee consisting of seven full members and two alternate members appointed by the Town Council for terms of three years. Members serve until their successors are appointed and qualified. Vacancies are filled by town council appointment for the unexpired term.

The Committee's responsibilities include:

- A. Establishing annually in conjunction with the department of marine resources the number of shellfish digging licenses to be issued;
- B. Surveying each clam-producing area at least once every three years to establish size distribution and density and annually estimating the status of the Town's shellfish resources;
- C. Submitting to the Town Council proposals for the expenditures of funds for the purpose of shellfish conservation;
- D. Keeping this chapter under review and making recommendations for its amendments;
- E. Securing and maintaining records of shellfish harvest from the Town's managed shellfish areas and closed areas that are conditionally opened by the department of marine resources;
- F. Recommending conservation closures and openings to the Town Council in conjunction with the area biologists of the department of marine resources;

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G. Submitting an annual report to the municipality and the department of marine resources covering the above topics and all other committee activities.

Chapter 4.9 CONSERVATION COMMISSION

4.9.1 Appointment-Purpose.

Pursuant to the provisions of 30-A, M.R.S. §3261, the Town Council is to appoint a Conservation Commission for the protection and use of the natural resources located within the territorial limits of the Town.

4.9.2 Duties.

The commission is to:

A. Keep an index of all open areas within the municipality, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas.

The commission may recommend to the municipal officers or any municipal body or Board, or any body politic or public agency of the state, a program for the better protection, development or use of those areas, which may include the acquisition of conservation easements;

B. Conduct research, in conjunction with the Planning Board, into the local land areas;

C. Keep records of its meetings, finances and activities and make an annual report to the municipality; and

D. Seek to coordinate the activities of conservation bodies organized for similar purposes.

4.9.3 Powers.

The Commission may:

A. Make recommendations for use of land to the planning Board and park commission;

B. Prepare and print books, charts, maps, and plans as it deems necessary;

C. Serve as an advisory body to the public works department to review and advise, at least twice a year, at the call of the Town Manager, in conjunction with the management plan and maintenance of public parks and shade trees in public parks;

D. With the approval of the majority of the Town Council, receive gifts in the municipality's name for any of the commission's purposes and administer the gift for those purposes, subject to the terms of the gift; acquire land or easements and trusts, and accept gifts of land or money or easements, for conservation purposes; and

E. Develop and implement a management plan for Rogers Park with approval of the Town Council.

4.9.4 Membership.

A. The town council may appoint at least three, but not more than seven, conservation commissioners. The commissioners are selected from the qualified resident voters of the town. Members are initially appointed for terms of one, two and three years, such that the terms of approximately one third of the members will expire each year. Their successors are appointed for terms of three years each. Members serve until their successors are appointed and qualified. Vacancies are filled by town council appointment for the unexpired term.

B. The Commission may recommend to the municipal officers that associate members be appointed to assist the Commission as the Commission requires. Associate members are nonvoting members, except when a quorum is absent. Their terms of office are to be for one, two or three years. Associate members are selected from the qualified resident voters of the Town.

Chapter 4.10 PARKS COMMISSION

4.10.1 Purpose.

The Town Council may appoint a Parks Commission to provide ongoing citizen recommendations relating to the improvements or development of Town-owned property that is or is likely to be developed into Town parks to insure the preservation, beauty and protection of these most valuable sites.

4.10.2 Duties.

The Commission is to:

A. Recommend to the Town Council an overall park management plan for the identification, protection, development or use of park lands and facilities;

B. Meet with the Town Manager to review and advise, at least twice a year, on the status and progress of the park management plan and other pertinent issues;

C. Coordinate its activities with those of the park, recreation, school and conservation bodies organized for similar purposes;

D. Keep records of commission finances and activities, post agendas and minutes of meetings and make an annual report to the municipality;

E. Assure that any recommended changes affecting municipal park properties are made in conjunction with the Conservation Commission;

F. Formulate a commission budget to be presented to the Town Council for approval.

4.10.3 Powers.

The Commission may:

A. Make recommendations for use of the parks and park facilities to the Town Manager and/or the Planning Board;

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- B. Prepare and print books, maps and plans as it deems necessary;
- C. With the approval of the majority of the Town Council, apply for grants or receive gifts in the municipality's name for any of the commission's purposes and to administer these grants or gifts for those stated purposes, as specified by the terms of the grant or gift consistent with all appropriate state statutes;
- D. Make recommendations to the Town Council for revisions to the park fee policy and rate schedules.

4.10.4 Membership.

- A. The Commission consists of seven members, qualified under Section 2.07(2) of the Town charter, who have demonstrated an interest in the Town parks and facilities. Members are initially appointed for terms of one, two and three years, such that the terms of approximately one third of the members will expire each year. Their successors will be appointed for terms of three years each. Members serve until their successors are appointed and qualified. Vacancies are filled by town council appointment for the unexpired term.
- B. The Commission may recommend to the municipal officers that associate members be appointed to assist the commission, as the commission requires. Associate members are nonvoting members except when a quorum is absent. Their terms of office are to be for one, two or three years. Associate members are selected from the qualified resident voters of the Town.

Chapter 4.11: KITTERY PORT AUTHORITY

4.11.1 Establishment.

The Port Authority is established by Maine Private and Special law 1961, Chapter 163, as amended, and Town Charter, Article IX.

4.11.2 Appointment and Composition.

- A. The Port Authority consists of seven (7) members, who are Kittery residents serving staggered terms of office of five years.
- B. Members of the Port Authority are appointed by the Town Council.
- C. A municipal officer, or spouse thereof, may not serve as a member of the Port Authority.
- D. Members serve until their successors are appointed and qualified.
- E. No member shall serve more than 2 consecutive terms of 5 years. Any member who has served 2 consecutive terms of 5 years is ineligible to serve on the Board for a period of 1 year. Computation of term limits commences with the first term of 5 years following the

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effective date of this provision. Computation of term limits does not include service prior to the effective date of this provision nor to terms of fewer than 5 years after the effective date.

F. Vacancies are filled by Town Council appointment for the unexpired term.

NOTE: Following included for information only:

KITTERY PORT AUTHORITY, PRIVATE AND SPECIAL 1961, Chapter 163

Field Code Changed

AN ACT Creating the Town of Kittery Port Authority

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. Authority established. The Town of Kittery Port Authority is established, consisting of and governed by a Board of 7 members, 6 of whom are appointed by the Town Council of the Town of Kittery. At least 3 of the appointive members must be permanent residents of the Town of Kittery, and the members serve for a term of 5 years, providing that of the first appointment 2 are appointed for a term of one year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years and one for a term of 5 years. The members serve until their successors are appointed and qualified. Any vacancy occurring in the membership of the appointive members is filled by the Town Council for the unexpired term. In addition to the 6 appointive members, a member of the Town Planning Board designated by the chair of the Town Planning Board is a member of the port authority, serving for a term of 5 years or until membership on the planning Board terminates, whichever occurs first. The Board shall elect one of its members as chair, one as a vice-chair and one as secretary. The members of the Board are not entitled to compensation for their services; but their reasonable expenses incurred in the performance of their duties must be paid by the Town of Kittery. The Board has the right to adopt and alter a common seal and to establish bylaws and regulations for the management of its affairs within the meaning of this authority, the laws of the State of Maine and the ordinances of the Town of Kittery.

Sec. 2. Purposes. The Town of Kittery Port Authority, in cooperation with the other appropriate planning and development Boards that may exist in the Town of Kittery, shall:

I. Plan for the maintenance and development of the port, harbor and navigable tidal waters within the jurisdiction of the Town of Kittery, in order to foster and stimulate commercial and recreational use of these areas.

II. Aid in the development of salt water fisheries and associates industries; ship and boat building, repair and storage and associated industries; pleasure boating, swimming and other associated recreational uses of these areas and facilities.

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III. Be authorized and empowered to appoint and compensate a harbor master, who will enforce the directives of the authority, such as the placement of moorings, the assignments of anchorage areas and the movement of traffic, and the use of municipally-owned wharves, docks, piers and landings.

Sec. 3. Powers and duties. In order to enable it to carry out the purposes hereof, the authority shall:

I. Have the authority to make all necessary arrangements with other port authorities of the State of Maine, other states and federal departments and agencies for the interchange of business, and for such other purposes as will facilitate and increase the purposes of this authority.

II. Establish offices for the transaction of its business at such places as, in the opinion of the authority, shall be advisable and necessary in carrying out the purposes hereof.

III. Be authorized and empowered to appoint and compensate a harbor master, who will enforce the directives of the authority, such as the placement of moorings, the assignments of anchorage areas and the movement of traffic.

IV. Be authorized to raise funds for defraying the costs of administration and operation of the authority and projects under its supervision, through fund appropriation articles in the Town warrant, submitted for consideration at any Town meeting, and through any and all other sources of revenue authorized by this act.

V. Be custodian of municipally-owned wharves, docks, piers and landings.

Sec. 4. Rules and regulations. Said authority may make such ordinances, rules and regulations touching municipally-owned wharves, docks, piers and landings, port captains, pilots and pilotage, harbors and harbor masters, for the areas herein defined as it may deem proper and from time to time may modify, rescind or alter the same. Said rules and regulations shall have the force and effect of law. Said authority shall fix the fees of pilotage and a table of such fees shall be attached to the commission of each pilot.

Sec. 5. Pilots. The authority may prescribe the qualifications of pilots, and from time to time appoint and commission, under its hand and seal, as many pilots as it may judge necessary, and remove the same at pleasure, and it shall take from them such security, by bond or otherwise as it may deem proper.

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Sec. 6. Authority of pilot. Any pilot appointed by the authority who has given security for the faithful discharge of his duties may take charge of any vessel, except pleasure, coasting and fishing vessels of the United States registry of 150 registered or enrolled tons and under, and except as provided in section 7, and shall pilot such vessel into or out of the river and harbor of the Piscataqua, to ports or locations within the jurisdictional area of this authority, first showing to the master thereof his appointment, if requested.

Sec. 7 Fee an offer. Any master or owner may pilot his own vessel into the area herein defined, but if a pilot shall speak and offer service to a vessel, excepting registered or enrolled vessels of the United States, bound into said area south of a line drawn east and west from Whale's-back lighthouse, or shall offer service to a vessel bound out of said area excepting registered or enrolled vessels of the United States, before they leave the wharf, he shall be entitled to $\frac{1}{2}$ of the fee specified in his warrant in case the master declines to employ him, and, on refusal of payment, may sue for and recover same.

Sec. 8. Harbor master. The harbor master appointed by the authority shall have the authority, under the supervision of the authority, to oversee the jurisdictional area of this authority, to preserve and regulate navigation within said waters, to assign moorings, require the same to be kept in safe condition, to require the removal of vessels if necessity or an emergency arises, to inquire into and prosecute all offenses occurring within his jurisdiction and to perform such duties and enforce such regulations as the authority shall prescribe. The harbor master shall have authority to make arrests for offenses under the provisions of this chapter, as other peace officers are authorized to do.

Sec. 9. Penalty. Whoever violates any of the rules or regulations of the authority promulgated under the authority of this chapter, or refuses or neglects to obey the lawful and reasonable orders of a harbor master or resists him in to execution of his duties shall be punished by a fine of not more than \$50. All fines collected under this section shall be forwarded to the port authority and by it applied to the salary of the harbor master.

Sec. 10. Definition. The word "vessel" as used in this chapter shall include boats of all sizes propelled by said, machinery or hand, scows, dredges, shellfish cars and craft of every kind.

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Sec. 11. Authorization to establish foreign-trade zones and free port areas.

I. Said authority is authorized to make application to the Secretary of Commerce of the United States for the purpose of establishing, operating and maintaining foreign-trade zones in the area herein described, under the Act of Congress passed at the second session, 73rd Congress, providing for the establishment, operation and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes.

II. Said authority shall have full power and authority to select and describe the location of the zone for which application to establish may be made and to make such rules and regulations concerning the operation, maintenance and policing of same as may be necessary to comply with the Act of Congress creating said foreign-trade zones, or as may be necessary to comply with such rules and regulations made in accordance with the Acts of Congress, relating to foreign-trade zones.

III. Said authority shall have full power and authority to lease the right and erect, maintain and operate any structures or buildings or enclosures as may be necessary or proper for the establishing and operating any such foreign-trade zones that might be established in the area herein described under and by virtue of said act of the 2nd session of the 73rd Congress.

IV. The authority hereby granted to said port authority confers on said port authority the right and duty to do all things necessary and proper to carry into effect the establishing, maintaining and operating of foreign-trade zones within the area herein described to comply in full with the provisions of said Act of Congress and all regulations that might be made thereunder.

V. The Town of Kittery Port Authority shall have the power and the duty to establish in the area herein described an area wherein personal property in transit shall be exempt from the provisions of the stock-in-trade tax and other such taxes and customs as are normally levied in a port of entry. For the purpose of this section, personal property in transit through the areas established by this port authority is defined as follows: Goods, wares and merchandise which is (1) moving in interstate or international commerce through or over the areas hereinbefore established, or (2) which was consigned to a warehouse, public or private, within the Town of Kittery, whether specified when transportation begins or afterward.

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Such property shall not be deprived of exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, but, broken in bulk, relabeled or repackaged.

The exemption granted shall be liberally construed to effect the purpose of this act. Provided, however, that the warehouse in which said goods, wares or merchandise be stored shall not be owned, in whole, or in part by the consignee or consignor.

Sec. 12. Severability. If any provision of this chapter shall be held invalid, the remainder of the chapter shall not be affected thereby.

Amended:

Private and Special 1963, Chapter 97, §2

Private and Special 1993, Chapter 26, §1

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES

April 2015

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☒ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) —(Sole Proprietor, Corporation, Limited Liability Co., etc.)		2. Business Name (D/B/A)	
Jacqueline Kilty DOB: 10/29/1967		Rudders Public House	
JKrestaurants LLC DOB:			
DOB:		Location (Street Address)	
Address 5 Melanies CT		70 Wallingford Square	
City/Town Kittery ME Zip Code 03904		City/Town Kittery ME Zip Code 03904	
City/Town Kittery ME State ME Zip Code 03904		Mailing Address Same	
City/Town Kittery ME State ME Zip Code 03904		City/Town Kittery ME State ME Zip Code 03904	
Telephone Number 603-767-5691 Fax Number		Business Telephone Number Fax Number	
Federal I.D. # 46-2212350		Seller Certificate # 1161509	

3. If premises is a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 385,887 LIQUOR \$ 356,205

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: _____

8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: 11:00 Am - 12:00 Am

9. Business records are located at: 5 Melanies CT. Kittery ME 03904

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Jacqueline Kilty (FERRARA)	10/29/67	RYE, N.Y.

Residence address on all of the above for previous 5 years (Limit answer to city & state)

5 Melanres CT. Kittery, ME 03907

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner:
KP Rentals 92 Coakley Rd Portsmouth NH 03801

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)
1 Room Restaurant/Lounge (Diagram on file)

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 mile Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kittery, ME on Feb 26, 20 15
Town/City, State Date

Jacqueline Kilty
Signature of Applicant or Corporate Officer(s)
Jacqueline Kilty
Print Name

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Print Name



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

**Supplemental Information Required for
Business Entities Who Are Licensees**

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

JKrestaurants LLC.

2. Other business name for your entity (DBA), if any:

Rudders Public House

3. Date of filing with the Secretary of State: march 4 2013

4. State in which you are formed: maine

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Jacqueline Kilty	5 melanies CT	10/29/67	100%
	Kittery, ME 03904		

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes

☐

No

☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: _____

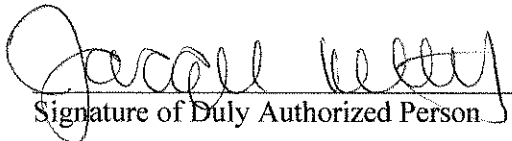
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Duly Authorized Person

Feb 24, 2015
Date

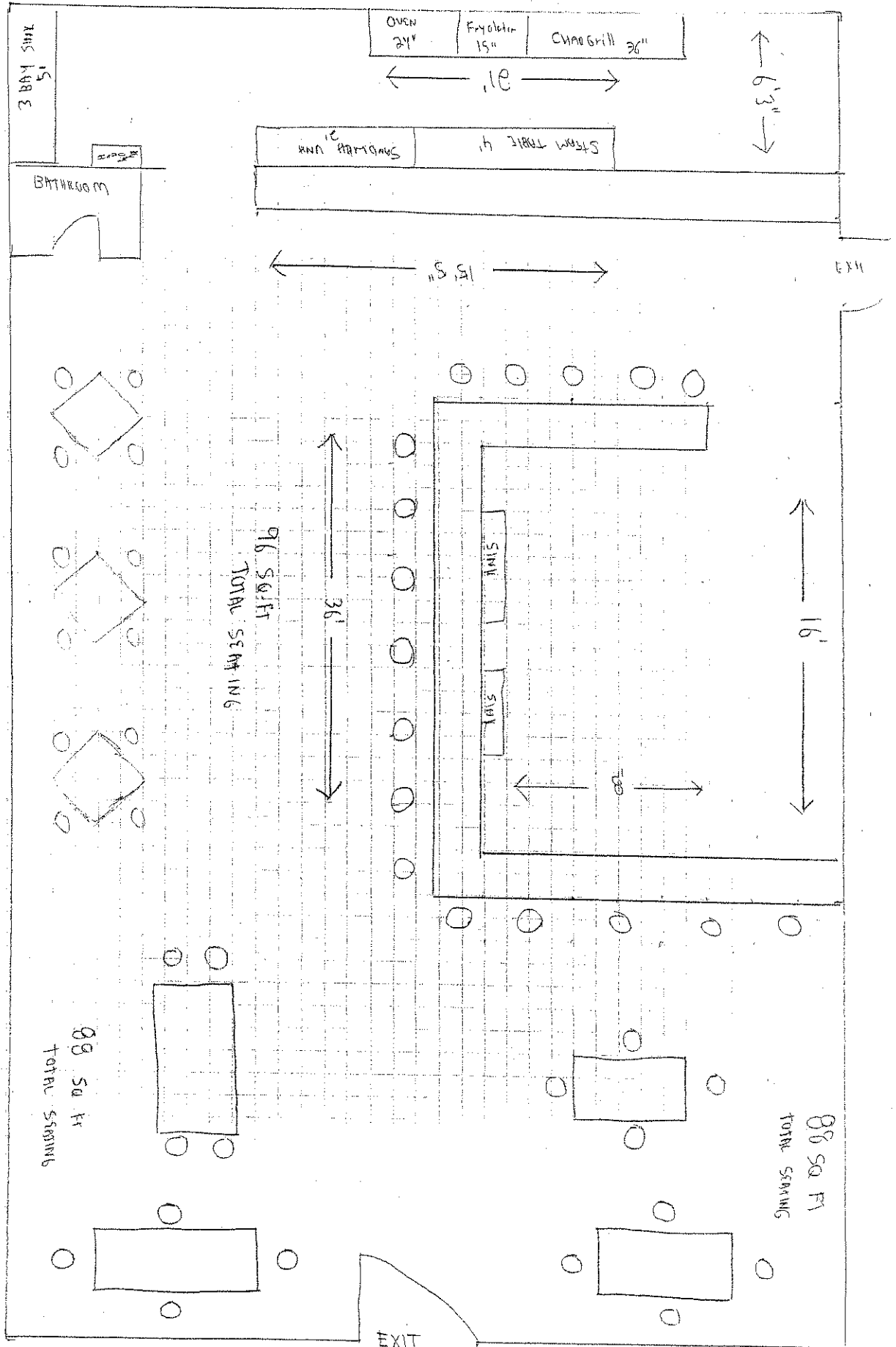
Jacqueline Kilty
Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

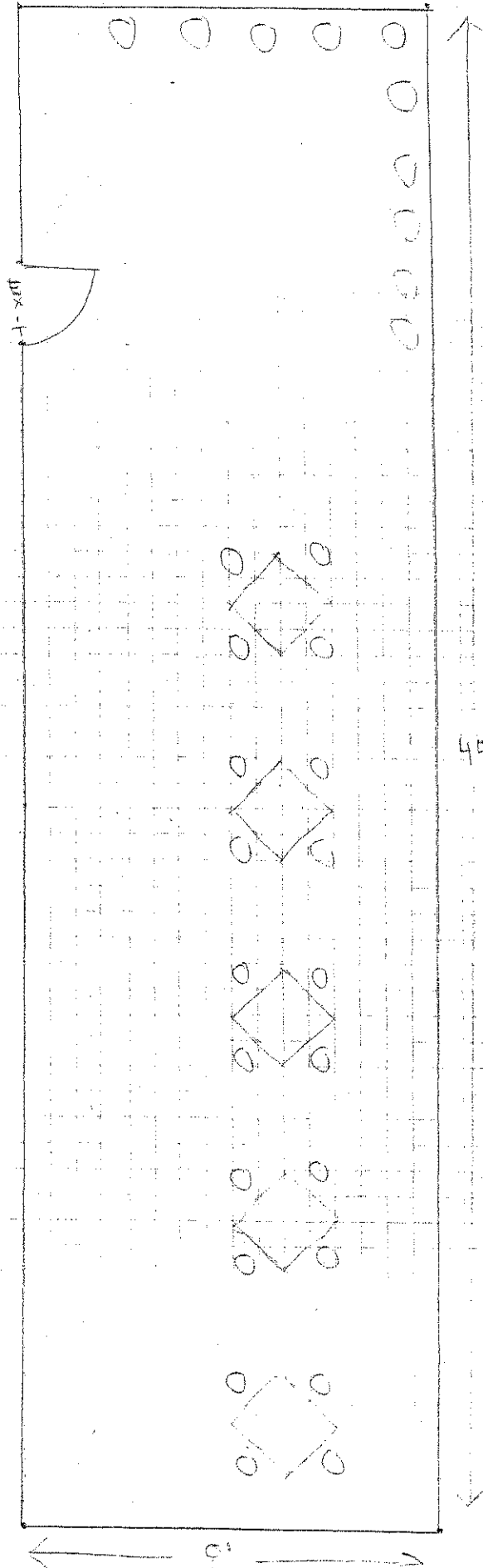
Submit Completed Forms To:

Bureau of Alcoholic Beverages and Lottery
Operations Division of Liquor Licensing Enforcement
8 State House Station
Augusta, Me 04333-0008
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

70 WALLINGFORD SQ
KITTERY, ME 03904



EXISTING PATIO / DECK
70 WASHINGTON SQ
KITTERY ME 03904



STATE OF MAINE

Dated at: _____, Maine _____ SS

City/Town

(County)

On: _____
Date

The undersigned being: ✎ Municipal Officers ✎ County Commissioners , of the
✎ City ✎ Town ✎ Plantation ✎ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]

2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c.45, Pt.A§4 (new).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]

C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]

E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all license requirements and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

4. **No license to person who moved to obtain a license. (REPEALED)**

5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

FILING FEE.....\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

Kittery Point Fire Association
PO Box 297, Kittery Point, Maine 03905

10 March 2015

Dear Kittery Town Council,

As you may know, twice a year the Kittery Point Fire Association hosts a Ham & Bean Supper to benefit the Association. We are writing to request permission to hang an advertising banner across Rogers Road in front of the Kittery Community Center, as well as 3 signs at other locations to help spread the word of our event specifically to the Kittery community.

The details of our banner for Rogers Road are as follows:

Approximate size: 4' high by 15' wide

Construction: Heavy duty vinyl

Verbiage: Ham & Bean Supper This Saturday at Lewis Square Fire Station

The details and locations of our 3 other signs:

Approximate size: 4' high by 2' wide

Construction: Vinyl, with wood frame

Verbiage: Ham & Bean supper, Lewis Square Fire Station, 4/25 & 10/17

Locations: Traffic circle, end of Haley Rd on Rt. 1, corner of Bridge St and Rt. 1 Bypass

We are requesting to display our signs from 18 April 2015 until 26 April 2015 and 10 October 2015 until 18 October 2015, with all duties of putting them up and taking them down to be completed by the fire department.

The proceeds from this event support a variety of firefighter and community support programs that would otherwise not be sustainable. Programs include:

- High School Scholarships
- Fire Safety Education
- Firefighter Dress Uniforms
- Firefighter Family Support Services
- Firefighting Equipment

Please also do not hesitate to contact me at the email or phone below for more information. Thank you in advance for your support.

Sincerely,

Craig Alfis
Lieutenant, Kittery Fire Department
Secretary, Kittery Point Fire Association
Email KitteryFire05@gmail.com
Phone 781-264-2610

Kittery Fire Station Association
3 Gorges Road Kittery ME 03904

March 11, 2015

Town Council,

The Kittery Fire Station Association will be holding its annual pancake breakfast and annual 5K run on Saturday, May 16, 2015 and Sunday May 17, 2015 respectively. The Association is asking your permission to post road signs in various locations throughout our community to advertise the breakfast. Additionally, we are asking permission to hang a 5K Race advertisement banner across Rodgers Road, as well as hang one from York Hospital's outside wall on the corner of Walker and Rt1. The Association's 5K Race Committee has York Hospital's invitation and permission to do so.

The Association has general insurance coverage for breakfast. Thirty days prior to the Race, the Association will have special insurance that covers the Race Event. Copies can be provided at your request.

Details of the signs are as follows

Breakfast signs

Approximate Size: 3x3ft

Construction: wood

Verbiage: Pan Cake Breakfast

Kittery Fire Station

18 May

0700-1030

Locations: throughout the town, on the side of the road, at cooperative business, and in private homes' yards

Dates: May 1 to May 16, 2015

5K Race sign

Rodgers Rd: Approximate Size: 3x15ft

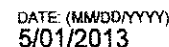
Construction: Vinyl

Verbiage: 9th Annual 5K road race and walk

Kittery Fire Station

17 May 2015

Location: Across Rodger road at Kittery Community Center



IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

CONTACT NAME: Frazier Insurance Agency, Inc.	
PHONE (A/C, No, Ext): (804) 754-7610	FAX (A/C, No): (804) 754-7613
E-MAIL ADDRESS: ifrazier@frazierinsurance.com	
INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: United States Fire Insurance Company	21113
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

Kittery Fire Station Association
3 Gorges Rd.
Kittery, ME 03904

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

COUSIONS AND CONDITIONS OF COVERAGE: LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.											
ISR TR	TYPE OF INSURANCE			ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	GENERAL LIABILITY					SRPGP-101-0413	05/19/2013	05/20/2013 12:01 AM	GENERAL AGGREGATE	\$ 2,000,000.00	
	<input checked="" type="checkbox"/>	COMMERCIAL GENERAL LIABILITY							PRDDUCTS - COMPROP AGG	\$ 2,000,000.00	
	<input type="checkbox"/>	CLAIMS MADE	<input checked="" type="checkbox"/> OCCUR						PERSONAL & ADV INJURY	\$ 1,000,000.00	
	<input checked="" type="checkbox"/>	INCLUDES ATHLETIC PARTICIPANTS								EACH OCCURRENCE	\$ 1,000,000.00
	GEN'L AGGREGATE LIMIT APPLIES PER:										FIRE DAMAGE (Any one fire)
	<input checked="" type="checkbox"/> POLICY	<input type="checkbox"/> PRO-JECT	<input type="checkbox"/> LOC						MED EXP (Any one person)	\$ 5,000.00	
	AUTOMOBILE LIABILITY								COMBINED SINGLE LIMIT (Per accident)	\$	
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$			
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$			
	<input type="checkbox"/> HIRED AUTO	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident)	\$			
		<input type="checkbox"/>						\$			
		<input type="checkbox"/>						\$			
	<input type="checkbox"/> UMBRELLA LIAB	<input type="checkbox"/> OCCUR					EACH OCCURRENCE	\$			
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE					AGGREGATE	\$			
	<input type="checkbox"/> DEO	<input type="checkbox"/> RETENTION \$						\$			
								\$			
							\$				
							\$				
							\$				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
POLICY DEDUCTIBLE: \$0.00 PER EACH BODILY INJURY OR PROPERTY DAMAGE CLAIM.

Certificate Holder is An Additional Insured, But Only As Respects The Operations Of The Named Insured

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

John W. Frazier



CERTIFICATE OF LIABILITY INSURANCE

DATE: (MM/DD/YYYY)
5/01/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	Frazier Insurance Agency, Inc. P.O Box 1250 Midlothian, VA 23113-1250	CONTACT NAME: Frazier Insurance Agency, Inc. PHONE (A/C, No, Ext): (804) 754-7610 FAX (A/C, No): (804) 754-7613 E-MAIL ADDRESS: ifrazier@frazierinsurance.com
INSURED	Sports & Recreation Providers Assn. Risk Management, Inc. Kittery Fire Station Association 3 Gorges Rd. Kittery, ME 03904	INSURER(S) AFFORDING COVERAGE INSURER A: United States Fire Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
		NAIC # 21113

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> INCLUDES ATHLETIC PARTICIPANTS GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO. JECT <input type="checkbox"/> LOC			SRPGP-101-0413	05/19/2013	05/20/2013 12:01 AM	GENERAL AGGREGATE \$ 2,000,000.00 PRDUCTS - COMP/OP AGG \$ 2,000,000.00 PERSONAL & ADV INJURY \$ 1,000,000.00 EACH OCCURRENCE \$ 1,000,000.00 FIRE DAMAGE (Any one fire) \$ 300,000.00 MED EXP (Any one person) \$ 5,000.00
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTO <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA/LIAB EXCESS LIAB DEO RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
POLICY DEDUCTIBLE: \$0.00 PER EACH BODILY INJURY OR PROPERTY DAMAGE CLAIM.

CERTIFICATE HOLDER	CANCELLATION
Kittery Fire Station Association 3 Gorges Rd. Kittery, ME 03904	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE John W. Frazier



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

David Bernhardt
COMMISSIONER

Nancy Colbert-Puff, Town Manager
Town of Kittery
200 Rogers Road
Kittery, ME 03904

3/6/15

Subject: Hot Mix Asphalt Overlay
Project No.: NHP-2028(600)
Town of Kittery

Dear Ms. Colbert-Puff:

The Maine Department of Transportation will soon advertise the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area". A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, which requires signature by the municipal officers, and additional background documents.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that *"the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers"*. In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 624-3410.

Sincerely,

George Macdougall,
Contracts & Specifications Engineer
Bureau of Project Development



PRINTED ON RECYCLED PAPER

Return this AGREEMENT, when completed, to:

Maine Department of Transportation
ATTN.: Mr. George Macdougall, Contracts & Specifications Engineer
#16 State House Station, Child Street
Augusta, Maine 04333-0016

Project No.: NHP-2028(600)
Location: Town of Kittery

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **Town of Kittery** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to use overweight equipment and loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overweight loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

TOWN OF KITTERY
By the Municipal Officials

Project No.: NHP-2028(600)

SPECIAL PROVISION 105
CONSTRUCTION AREA

A Construction Area located in the **Town of Kittery** has been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

- (a) The section of highway under construction in York County, Project No. NHP-2028(600) is located on Route 236, beginning at the intersection of Whipple Rd, Shapleigh Rd and Woodlawn Ave and extending northwesterly 0.96 miles to 0.04 mi. east of the intersection of New State Rd and Rogers Rd.

Per 29-A § 2382 (7) MRSA, the MDOT may “*issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:*

A. Must be procured from the municipal officers for a construction area within that municipality;

B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:

(1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.”

The Municipal Officers for the **Town of Kittery** agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the “Construction Area”.

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

Proposed Charter Amendment

Sec. 2.14. Ordinances in general.

(1) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Town of Kittery hereby ordains...". Any ordinance which repeals or amends an existing ordinance or part of the town code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.

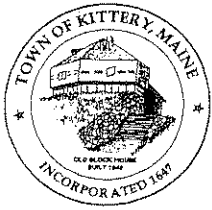
(2) Procedure. An ordinance may be introduced by any member at any regular or special meeting of the council. The town clerk shall provide a copy to each council member and to the manager and shall make a reasonable number of copies available in the office of the town clerk, and shall, unless directed otherwise pursuant to State Statute, publish in a newspaper of general circulation in the town on the Town's web site, and post in the Municipal Offices, the post office(s), and the Community Center, a notice setting out the time and place for a public hearing thereon. The public hearing shall follow the publication by at least 7 days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard at the hearing. After the hearing, the council may adopt the ordinance with or without amendment or reject it.

Sec. 6.06. Council action on proposed budget.

(1) Notice and hearing. The council shall publish as soon as possible in one or more newspapers of general circulation in the town on the Town's web site, and post in the Municipal Offices, the post office(s), and the Community Center, the general summary of the proposed budget and a notice stating:

(a) The times and places where copies of the message and proposed budget are available for inspection by the public, and

(b) The time and place, not less than 14 calendar days after such publication, for a public hearing on the proposed budget.



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Ernie D'Angelo

APR 05 2011
TOWN OF KITTERY
9:15 AM

RESIDENCE: 70 Foxes Lane

MAILING (if different) _____

E-MAIL ADDRESS: Ernie@kitterypoint.com PHONE #: (Home) 438 9435 (Work) 603 490 3185

Please check your choices and list in order of priority by marking 1,2,3, etc.:

- | | |
|---|--|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Board of Assessment Review |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Mary Safford Wildes Trust |
| <input type="checkbox"/> Cable Television Rate Regulation Board | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Recycling Scholarship Selection Comm. | <input type="checkbox"/> Community Center Bldg. Comm./Rec. Comm. |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input checked="" type="checkbox"/> Port Authority | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Personnel Board | <input type="checkbox"/> Other _____ |

EDUCATION/TRAINING: Biology Degree

RELATED EXPERIENCE (Including other Boards and Commissions) _____

Boat Builder, carpenter, mechanic

PRESENT EMPLOYMENT: Self

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY ☒ Yes ☐ No

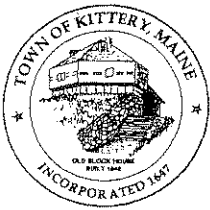
ANY KNOWN CONFLICT OF INTEREST: no

REASON FOR APPLICATION TO THIS BOARD: ALUD Boater, mooring holder

I HAVE ___/HAVE NOT ___ ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

[Signature]
SIGNATURE OF APPLICANT

4/5/11
DATE



TOWN OF KITTERY, MAINE

RECEIVED
OCT 20 2011
TOWN CLERK'S OFFICE
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1328 Fax: (207) 439-6800

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: MARK DRUMMOND

RESIDENCE: 38 CUTTS IS. LN. KITTERY PT, ME. 03905

MAILING (if different) _____

E-MAIL ADDRESS: _____ PHONE #: (Home) 439-4720 (Work) 337-3214

fishlikemad@myfairpoint.net

Please check your choices and list in order of priority by marking 1,2,3, etc.:

- | | |
|---|--|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Board of Assessment Review |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Mary Safford Wildes Trust |
| <input type="checkbox"/> Cable Television Rate Regulation Board | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Recycling Scholarship Selection Comm. | <input type="checkbox"/> Community Center Bldg. Comm./Rec. Comm. |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input checked="" type="checkbox"/> Port Authority | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Personnel Board | <input type="checkbox"/> Other _____ |

EDUCATION/TRAINING: 2yr COL. CRIMINAL JUSTICE

RELATED EXPERIENCE (Including other Boards and Commissions) _____

PRESENT EMPLOYMENT: BOAT BUILDER

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY ☒ Yes ☐ No

ANY KNOWN CONFLICT OF INTEREST: NO

REASON FOR APPLICATION TO THIS BOARD: NEW BLOOD, CONTRIBUTE TO WATERFRONT AFFAIRS

I HAVE ☒ / HAVE NOT ☐ ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

Mark A. Drummond
SIGNATURE OF APPLICANT

10/20/11
DATE